
IN THE
United States Circuit Court of Appeals. 3
FOR THE NINTH CIRCUIT

THE KOKE COMPANY OF AMERICA,
THE SOUTHERN KOKE COMPANY, LTD.,
THE KOKE COMPANY OF TEXAS,
THE KOKE COMPANY OF OKLAHOMA, and
THE KOKE COMPANY OF ARKANSAS,
Defendants-Appellants,

vs.

THE COCA-COLA COMPANY, a Corporation,
Plaintiff-Appellee.

} Appeal from the United
States District Court
for the District of
Arizona.

SCHEDULES I, II, III, IV, V, VI AND VII TO THE BRIEF OF
THE COCA-COLA COMPANY.

WILLIAM K. WHITE,
Solicitor for Plaintiff-Appellee.

HAROLD HIRSCH,
FRANK F. REED,
EDWARD S. ROGERS,
Of Counsel.

FILED

MAY 1918

F. M. MONTGOMERY
CLERK

IN THE

United States Circuit Court of Appeals.

FOR THE NINTH CIRCUIT

THE KOKE COMPANY OF AMERICA,
THE SOUTHERN KOKE COMPANY, LTD.,
THE KOKE COMPANY OF TEXAS,
THE KOKE COMPANY OF OKLAHOMA, and
THE KOKE COMPANY OF ARKANSAS,
Defendants-Appellants,

vs.

THE COCA-COLA COMPANY, a Corporation,
Plaintiff-Appellee.

} Appeal from the United
States District Court
for the District of
Arizona.

SCHEDULES I, II, III, IV, V, VI AND VII TO THE BRIEF OF
THE COCA-COLA COMPANY.

WILLIAM K. WHITE,
Solicitor for Plaintiff-Appellee.

HAROLD HIRSCH,
FRANK F. REED,
EDWARD S. ROGERS,
Of Counsel.

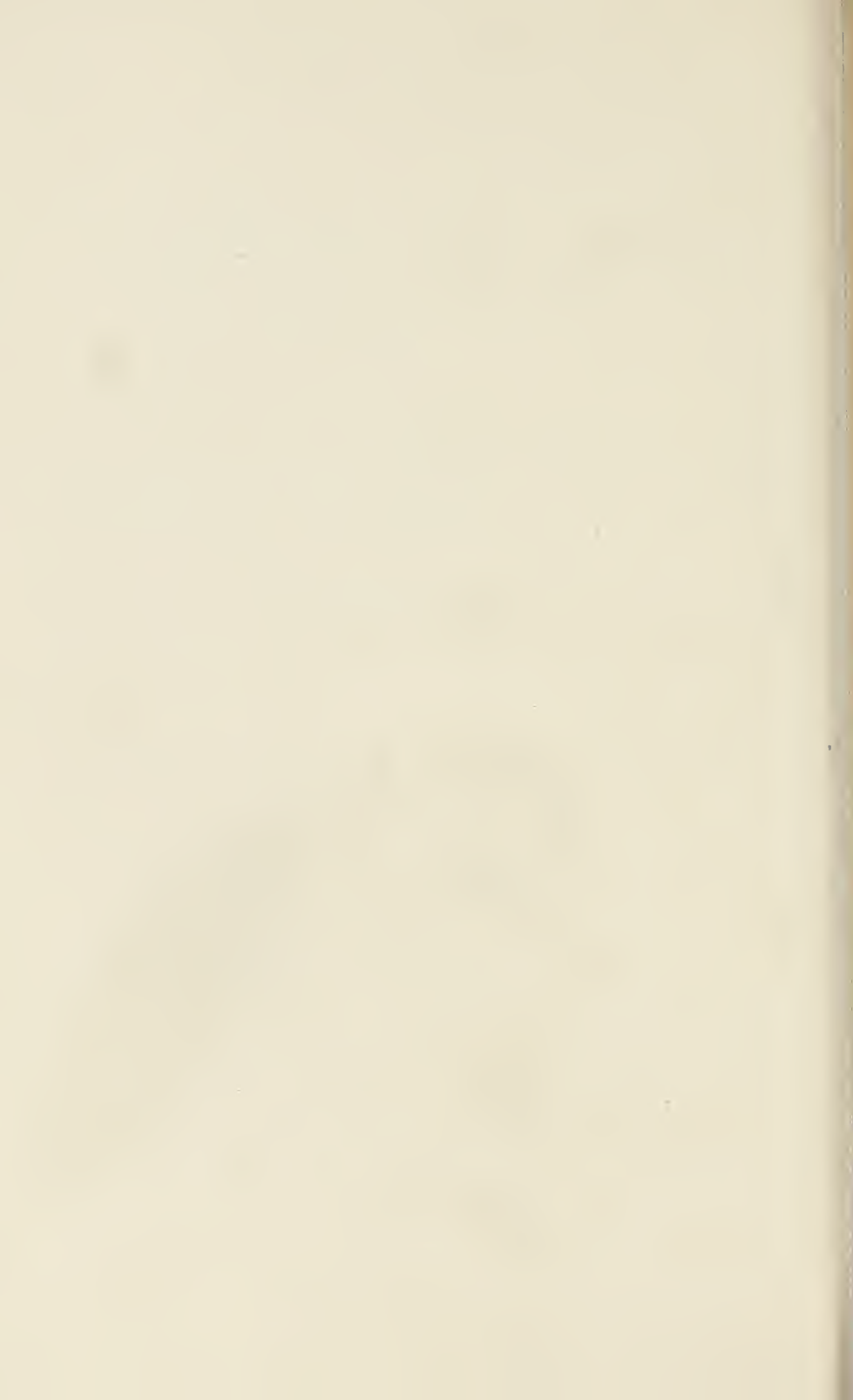


TABLE OF CONTENTS.

	Page
Schedule I. The Coca-Cola Company's title to the trade-mark	
Coca-Cola and its business.....	1
F. M. Robinson	1
S. C. Dobbs.....	5
W. E. Venable.....	7
George S. Lowndes.....	7
Joseph Jacobs	8
Asa G. Candler.....	8
Documentary exhibits concerning The Coca-Cola Com-	
pany's title.....	10
Abstract of title.....	21-22
Advertising and sales of Coca-Cola.....	23
Schedule II. Koke and Dope mean Coca-Cola.....	24
Testimony of The Coca-Cola Company's Witnesses...	24
Admissions of the Koke Company's Witnesses.....	53
The Trade Witnesses called by the Koke Companies..	62
Tabulation of Evidence on Nicknames Koke and Dope	82
Trade Name Experts.....	84
The Koke Companies sell their product as Koke in	
districts where Coca-Cola is known as "Koke" and	
as Dope in districts where Coca-Cola is known as	
"Dope," the product sold under the two names	
being the same.....	84
Tabulation of expert testimony on nicknames.....	85
Schedule III. The identifying red color of the Coca-Cola Barrels...	111
Schedule IV. The distinctive color and taste of Coca-Cola.....	116
Schedule V. The representations of The Koke Companies' sales-	
men that their product can be passed off for Coca-	
Cola and that the public cannot tell the difference	118
Testimony of The Coca-Cola Company's Witnesses	118
Admissions of adverse witnesses, that The Koke	
Companies' salesmen suggested passing off..	137
Schedule VI. The product of the Koke Companies has been sys-	
tematically and habitually sold to the public as	
and for Coca-Cola.....	140
Admissions of dealers handling Koke Companies'	
product and called as witnesses by them shown in	
extracts from record, show deliberate, systematic	
passing off of Koke for Coca-Cola.....	142
Passing off of Bottled Koke for Coca-Cola in New	
Orleans.	158
Schedule VII. The Koke Companies' officers and promoters knew	
that Koke and Dope were nicknames for Coca-Cola	
when they started in business and their intent was	
to infringe the rights of The Coca-Cola Company	
and compete unfairly. They deliberately imitated	
the color of the distinctive Coca-Cola barrels and	
took a specimen of the Coca-Cola labels to a printer	
as copy for the Koke labels	159

SCHEDULE I.

The Coca-Cola Company's title to the trade-mark Coca-Cola and its business.

F. M. ROBINSON testified:

Page of
Record.

347 I came to Atlanta in December, 1885, accompanied by Mr. D. D. Doe. Messrs. Pemberton, Ed. Holland, D. D. Doe, and I, then formed a stock company known as the Pemberton Chemical Company. He (Pemberton) put into the corporation several preparations the principal of which was "Pemberton's French Wine of Coca," which was a patent medicine selling at a dollar a bottle, and there was a preparation called "Gingerine," "Indian Queen Hair Dye" and "Pemberton's Globe Flower Cough Syrup." During that period Dr. Pemberton was continually experimenting on other drinks and chemical combinations.

We commenced making what we called "Coca-Cola" in May, 1886. I was assisting in the manufacture of "Coca-Cola" and in putting it on the market and selling it. Well, they continued in business, I suppose, a year after that, selling these various preparations, including, after May, 1886, "Coca-Cola." This product had no name in the beginning,—it was being experimented upon. Dr. Pemberton compounded a preparation, it was taken down to Mr. Venable's soda-fountain for the purpose of trying it to ascertain whether it was something the people would like or not, and, after they had made various changes
349 in the compound, it seemed to be satisfactory and then the question came up with reference to having a name for it. There were four of us in the corporation and they agreed to submit four names, each one of the members submitting a name. I submitted the name "Coca-Cola"

and it was afterwards adopted and used. The purpose of this drink "Coca-Cola" was to use it at soda-fountains as a beverage.

After being in, perhaps, something like a year, Doe sold out his Chemical Company interest, surrendering his stock and taking the printing enterprise and carrying it away with him. I do not know as anybody came in immediately after that, but subsequently a man by the name of M. P. Alexander came in. Well, after the preparation had been on sale by the Pemberton Company for possibly a year—they were manufacturing it and selling it as the product of the Pemberton Chemical Company—suddenly Dr. Pemberton announced he had secured a trademark on "Coca-Cola" in his own personal name and that it was not the property of the Pemberton Chemical Company, and that he had sold it to Lowndes and Venable. I thought he had no right to sell it, as I regarded it as property belonging to the Pemberton Chemical Company, of which I owned one-fourth interest; and I went to Judge
350 Candler, as an attorney, to see if he did not think I could have my rights maintained, and he looked into the matter, investigated it, and finally came to me and said Dr. Pemberton was not worth anything—there was nothing that was tangible in sight—and he advised me to drop it and give it up. Thereupon, I immediately went out, sold out my stock to Dr. Pemberton. After that I did not have any business until I came into the manufacture of "Coca-Cola" again, very shortly afterwards, for Walker, Candler & Company. I then went to work for Walker, Candler & Company, making "Coca-Cola" at 107 Marietta street, where the Pemberton Chemical Company had been all through their history, and we continued to manufacture "Coca-Cola" at the same place, but it was taken away from there temporarily. That is the only thing we manufactured at that time.

We continued right along with the tools and appliances that they had there with Walker, Candler & Company.

351 We used there the same appliances that had been used in the manufacture before—brought back from another place that formerly belonged to the Pemberton Chemical Company.

The paper Marked “Plaintiff’s Exhibit No. 67,” with the name of F. M. Robinson on the bottom of it, is my signature thereon. I witness that paper.

Woolfolk Walker and Mrs. M. C. Dozier signed that in my presence.

I continued the manufacture for Walker, Candler & Company as long as they together owned the preparation. After that I went with Mr. Asa G. Candler in his drug store and the materials and appliances were moved to the basement of his drug store—it was then, I believe, 63 Peachtree street, it is not the same number now. I continued the manufacture of “Coca-Cola” and also had charge of his city books in his drug store.

352 After I was with Walker, Candler & Company, I remained with Asa G. Candler continuously until the Coca-Cola Company was formed. No, sir, I did not continue in charge of the manufacturing of “Coca-Cola” except for a short time under Mr. Asa G. Candler, while he owned it, individually, at which time I was connected with the manufacturing of “Coca-Cola” and the keeping of the city books—while he was in the drug business. After he went out of the drug business I was the advertising manager. Immediately after I finished my work with Asa G. Candler, I went with the Coca-Cola Company. I held the office of Secretary of the Coca-Cola Company from 1892, the date of its organization, until last February (1914), twenty-two years. This product under the name “Coca-Cola,” as I have described it, has been

353

known and sold under the name "Coca-Cola" continuously from 1886 up until the present time.

The product was never called "Coca-Cola Syrup and Extract" in any printing of any kind. He never had any labels printed at that time "Coca-Cola Syrup and Extract" that I remember. It was "Coca-Cola," nothing else.

354 I originated the word "Coca-Cola." I gave part of the reasons for that name in my testimony in the Patent Office.

The word "Coca-Cola" don't explain what there was in it. I know what the compound is and was. It is true that might have been one reason why the name suggested itself to me, was because of the fact that there was in it
355 the properties of "coca" leaves and of "cola" nuts and that may have been one reason why it was given that name; but the object in giving it its name was to have a name to be advertised by, and called for, and things of that kind, and not a description of the contents—there was dozens of other things that went into it that don't appear in the name.

356 I was out for a month or such matter after I left the Pemberton Chemical Company, and it was not very long until this Walker, Candler & Company started up—I don't think it was more than a month that I was out entirely.

358 When I quit the Pemberton Chemical Company and withdrew from it, Dr. Pemberton did not continue to manufacture "Coca-Cola." Before I left it was taken
away to Jacob's drug store, I think it was, that is, whatever they had for the purpose of manufacturing "Coca-Cola."

363 Dr. Pemberton sold the Coca-Cola business to Venable & Lowndes. It is my understanding that Venable & Lowndes actually took the business over. Pemberton

actually delivered the material for manufacturing "Coca-Cola" to Venable & Lowndes.

- 364 It went into the basement of Jacobs' drug store, in Venable's department at the corner of Marietta and Peachtree streets. From that place it went back again to 107 Marietta street and from there it went to Asa G. Candler's drug store, 63 Peachtree street.

S. C. DOBBS testified:

- 306 The first "Coca-Cola" I ever saw was in the spring of 1887. I was then in the shipping department of Asa G. Candler & Company. It came from what was at that time 107 Marietta street. In my visits to 107 Marietta street I saw Dr. Pemberton, Mr. F. M. Robinson, Charlie Pemberton and a man named Walker.

- 307-317 I saw advertising of "Coca-Cola" in 1888 and 1889 and from 1890 through to the present time "Coca-Cola" has been continuously advertised and continuously made and sold.

- 318 The business of the Coca-Cola Company consists of the manufacture and sale of a beverage known as "Coca-Cola," which it has been manufacturing and selling since its organization in 1892. Immediately preceding the Coca-Cola Company said beverage was manufactured by Walker-Candler & Company—Asa G. Candler, proprietor; and immediately preceding Asa G. Candler, proprietor, by Walker-Candler & Company; and previous to that, by Venable, Lowndes & Company, I believe, or Venable and Lowndes—it was George Lowndes and Willis Venable, and I believe, Mr. Walker.

I was in Atlanta all the time during 1887 and 1888. Quite frequently I went down to the place on Marietta street where "Coca-Cola" was manufactured to get something. The number of the house was 107. The equipment and machinery which Dr. Pemberton had for making

this stuff consisted of a copper kettle which held forty gallons and which was afterwards turned over to Mr. Asa G. Candler, and a wooden paddle.

330 I made a little trip, when Walker, Candler & Company owned "Coca-Cola" down the Georgia railroad for them, and Mr. Walker also traveled out through Alabama. I knew Mr. Walker quite well, and they had an old-fashioned Mathews bottling apparatus in a shed where this 107 Marietta street is, and some of the goods were sold in bottles then. The copper kettle, which I mentioned a while ago as having been delivered to Asa G. Candler, came from 107 Marietta street and is the one I referred to as having been used by Dr. Pemberton—it is the one that was in use down there when I first began going down there.

331 It was in 1888 when that forty gallon kettle was moved up there and we were putting up this "Coca-Cola" in red kegs. When I was with them, Mr. F. M. Robinson was doing most of the work. When I moved that kettle up from Marietta street to Peachtree street we also moved some material up there and some printed matter—odds and ends of advertising matter—and the small stuff that had been gotten out. Just everything that had anything to do with "Coca-Cola." We went down there with a one-horse dray; I remember the incident quite clearly though I do not remember the date.

Everything that had been used down there we moved to the basement of 147 Peachtree street—we cleaned the thing out and took it to 147 Peachtree street, which was the address of A. G. Candler & Company, wholesale druggists.

W. E. VENABLE testified:

388 I have lived in Atlanta since January, 1867. Exhibit
78 shows the sale of a part interest in Coca-Cola from
John S. Pemberton to George S. Lowndes and myself,
and Exhibit 79 shows the property that was turned over
to us when we purchased the interest from Pemberton
Exhibit 80 shows a change that was made in the original
agreement between Lowndes, Pemberton and myself. Ex-
hibit 81 is a letter that I wrote to the Pemberton Chem-
ical Company on April 11, 1887, showing my use and sale
of Coca-Cola, and Exhibit 82 shows the sale of Mr.
389 Lowndes and myself to Mrs. Dozier and Woolfolk
Walker. I knew Dr. J. S. Pemberton and I knew him
well, and he was the first one that ever approached me in
regard to the drink Coca-Cola. At that time I could not
remember the name Coca-Cola and had to write it down
in order to do so. After Mr. Lowndes and myself pur-
chased our interest in Coca-Cola, we took over the prop-
erty described and commenced the manufacture of Coca-
Cola, and when we sold out to Woolfolk Walker and Mrs.
Dozier, we transferred that property to them. I manu-
390 factured the Coca-Cola syrup at the corner of Marietta
and Peachtree street in the basement of Jacob's drug
store. Ever since then I have been continuously selling
Coca-Cola.

GEORGE S. LOWNDES testified:

514 I have resided in Atlanta since 1869. I knew Dr. Pem-
berton in a business way and socially. We boarded at
the same house, and I purchased with Mr. Venable a two-
515 thirds interest in the Coca-Cola business, and the pur-
chase as shown by Exhibit 78 and Exhibit 80 shows the
property that was turned over to Mr. Venable and myself
by Dr. Pemberton. Exhibit 96 was addressed to me and

was a request for some money, which was turned over to Dr. Pemberton. I saw Mr. Venable manufacture Coca-Cola and that was at the corner of Peachtree and Marietta streets. After the sale to Walker & Dozier, I did not see the property any more. We turned over any material that we had on hand to them. The stencil that is set out in the bill of sale is what we put the name Coca-Cola on boxes, barrels and kegs with and which we used for advertising purposes.

JOSEPH JACOBS testified:

409 I have lived in Atlanta thirty-six years, and I have known of Coca-Cola nearly ever since I was in Atlanta, and it is manufactured by The Coca-Cola Company. I signed Exhibit 76, which shows the sale of the interest of Walker, Candler & Company in Coca-Cola to Asa G. Candler.

ASA G. CANDLER testified:

372 Exhibit 73 shows the sale by J. S. Pemberton of his remaining one-third interest in Coca-Cola to Walker, Candler & Company. Exhibit 74 shows the sale by Mrs. Dozier and Woolfolk Walker to me of their rights and interests in Coca-Cola. Exhibit 75 shows the sale of my
373 interest in Coca-Cola to The Coca-Cola Company. I knew Dr. J. S. Pemberton and I was a member of the firms of Walker, Candler & Co., and in 1892 I formed the corporation known as The Coca-Cola Company. I have been president of that company since its organization and have been actively in charge of its business and the business of the company has been the manufacturing and selling of Coca-Cola, and which said products has been extensively
374 advertised. When I owned the Coca-Cola individually, F. M. Robinson was continually with me. He at-

tended to the manufacture and as far as I can recollect that was so during the time I was a member of the firm of Walker, Candler & Company.

Attached hereto is a tabulation of The Coca-Cola Company's title as shown by its witnesses with the exception of Mrs. M. C. Dozier, who was a witness on behalf of the Koke Companies, and whose testimony will be hereafter referred to. Here also is shown in this Schedule the advertising and sale of Coca-Cola.

For the convenience of the court, we herewith give a summary of the pages of the record and the names of the witnesses who testified concerning The Coca-Cola Company's chain of title:

Name of witness.	Record Pages.
S. D. Dobbs,	305, 306, 318, 330, 322, 331, 332
(Cross-examination)	327, 330, 331
F. M. Robinson	347, 348, 349, 350, 351, 352, 353, 363, 364
(Cross-examination)	353 354, 355, 356, 358
Asa G. Candler	372, 373, 374
W. E. Venable	388, 389, 390
Joseph Jacobs	409, 410
George S. Lowndes	514, 515, 516

EXHIBIT 78.

Whereas John S. Pemberton, of the City of Atlanta, in the County of Fulton and State of Georgia, is the owner of a formula for Coca-Cola Syrup and Extract, and did, on the 28th day of June 1887, register in the United States Patent office a Label, under the title of Coca-Cola Syrup and Extract, Number 5272, and

Whereas Willis E. Venable and George S. Lowndes, both of the same place, are desirous of acquiring an interest in said formula and registration:

Now therefore, This Indenture WITNESSETH, - that for and in consideration of the sum of one dollar to me in hand paid, the receipt of which is hereby acknowledged, as well as in consideration of an advance or loan of \$1200.00 without interest, but which is to be refunded to said ~~Lowndes &~~ Lowndes & Venable out of my share of profit in the herein-after mentioned business; and in further consideration of the said Lowndes & Venable furnishing the necessary capital to conduct said business without charging interest therefor;

I, the said John S. Pemberton, do hereby sell and assign a two-thirds interest in and to said registered label to the said Willis E. Venable and George S. Lowndes, and the sole right to manufacture, sell and control the business and use the said label for the benefit of the parties concerned, for and during the full term of said registration or any renewal thereof, and further agree to furnish said Venable and Lowndes all knowledge and information necessary for the manufacture of the said Coca-Cola Syrup and Extract.

And it is agreed by and between the parties hereto that said Lowndes & Venable shall alone conduct the business of manufacturing and selling said Coca-Cola Syrup and Extract during the term of registration of said label.

It is further agreed that they shall take all the material and fixture said Pemberton has on hand that can be used in the manufacture of Coca Cola Syrup and Extract for the benefit of said business, paying the said Pemberton therefor original cost.

It is further agreed that said Pemberton shall receive one-third the net profits arising from said business, and that he shall have the privilege of drawing the same monthly.

This July 8th 1887
Witness
Ed. Holland
John S. Pemberton
W. E. Venable
Geo. S. Lowndes

EXHIBIT 78.

125/1
 I hereby consent that Geo S Lawrence and
 Willis E Venable may sell and transfer
 their interest in within contract
 and subrogate the purchaser to all
 the rights powers & privileges hereunder
 This at ec 13th 1887 J S Pemberton
 Witness

Noted A. C. Ellis

EXHIBIT 79.

Venable & Lowmes		To Pemberton Chemical Co.	
10 Gal. Coca Cola	90¢	\$	9.00
1 Brown Kettle			30.00
1 Grate			4.32
Brick			5.68
1 Shovel Plate, Coca Cola			78
8 lbs. Phosphoric Acid			2.20
5 oz. oil Nutmeg	48¢		2.00
1/2 lbs. Phl. Extr. Nutmeg			1.30
500 Small Can Signs			6.50
1 " " Wood Engraving			12.00
2 Electro			1.40
1600 Posters			6.00
1 Large " Wood Cut			8.00
14 oil. Cloth Signs at Fountains			14.00
60, Fin Cases (1 Gal.)	16¢		9.00
40 lbs Phl. Ex. Coca Leaves			40.00
45 Coca Fin Signs			4.60
1 Fine Gal Keg			90
1 white wash Pot			.50
1 Wood Cut (1 in Electro)			1.00
1 Perculator			1.50
5 oz oil Spice			1.00
15 " " Lemon			2.80
3/4 " " Coriander			1.25
1 " " Cinnamon Tree			1.20
10 " Ex. Vanilla			.60
5 " oil Nutmeg			2.00
5 lbs Citric Acid			2.75
1 lb. Elis. Orange			.80
20 oz. Mercks Caffien			18.86
3 Cloth Filters			.75
3/4 oz oil Neroli			3.57
Amount Will send.			74.21
			268.29

EXHIBIT 79.

54
 To Amount brok. over \$268.29
 ✓ 5 M Coca Cola Cards (50) \$15.00
 \$283.29
 1887
 July 21 By Cash \$150.
 " 30 days Acct 133.29
 283.29 \$283.29
 J. B. Pemberton
 Pres.
 Pemberton Chemical Co

EXHIBIT 73.

in family } know all men by these
 Pemberton & C Pemberton of New
 York & family have this day sent
 to Walker Candler & Co. Company
 of Norfolk Virginia - A & Candler
 and Joseph Jacobs - all of
 right title & inheritance quiet
 to the Patent - In the Name
 as the Coca Cola - made and
 the Appurtenances and rights
 thereto belonging - For the sum
 of five hundred and fifty dollars
 fully to be paid this day - and
 balance in C & A's place at
 30 days. - This April 14th 1888.

W. J. Green
 For new Share

J. S. Pemberton
 J. N. Pemberton

EXHIBIT 67.

Whereas *McDonough & Woolfson* & *Woolfson & McDonough*
 of said State & County are the owners of said
 Trade-marks in and to formula for Coca Cola
 Syrup & Extract and also a label under the name
 of said Coca Cola Syrup & Extract which label
 under said name was on the 28th day of June 1887
 duly registered in the United States Patent Office
 being No. 5272 by *W. S. Pemberton* - we being
W. S. McDonough & W. S. Woolfson then being
 & *W. S. McDonough* then being bought from said *W. S.*
Pemberton, Now for and in consideration of
 the sum of eleven hundred & fifty
 dollars to us in hand paid the
 receipt whereof is hereby acknowledged
 we hereby grant bargain, sell convey and
 give *W. S. McDonough* his heirs and assigns
 one half interest in and to the two
 Trade-marks which we now possess obtain-
 ed by us as aforesaid in said registered label
 and said formula for Coca Cola Syrup & Extract.
 This instrument conveys one half the entire
 interest which we now have (two thirds) in
 said label & formula our interest being taken as
 a whole - so as to give to the said *W. S. McDonough*
 one third of the entire property in said label
 formula.

In witness whereof the said *W. S. McDonough & W. S. Woolfson*
 have set their hands & seals this the
 17th day of April 1888.

In presence of *W. S. McDonough & W. S. Woolfson*
W. S. McDonough
W. S. Woolfson

EXHIBIT 75.

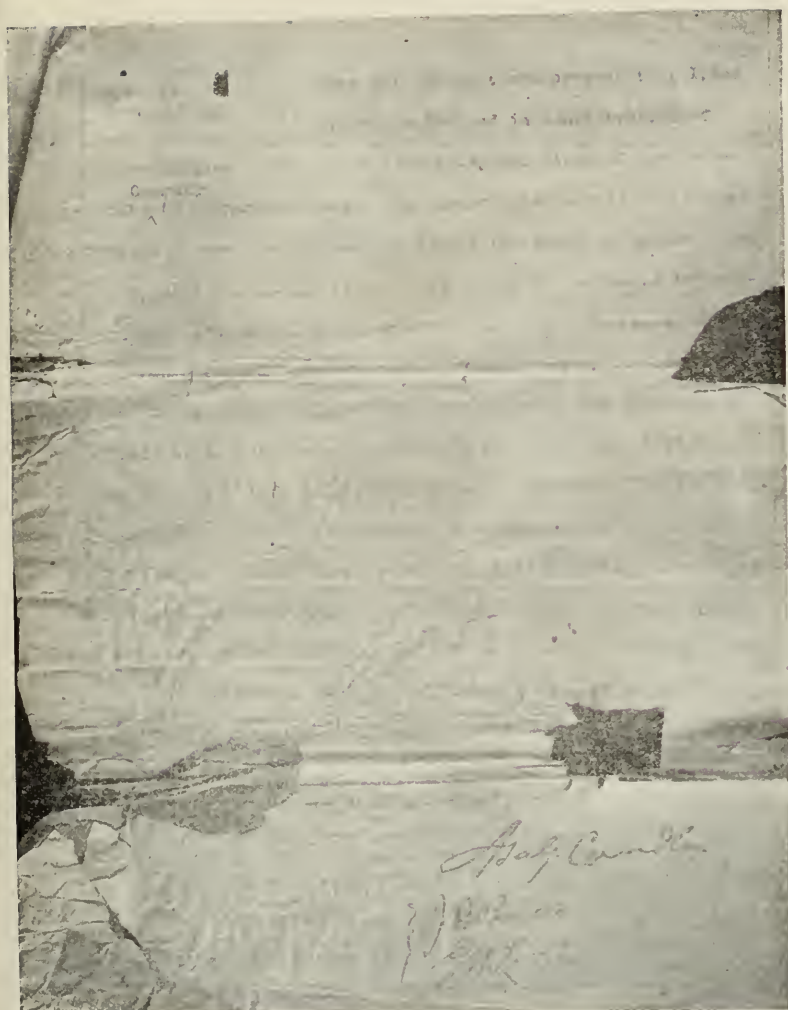
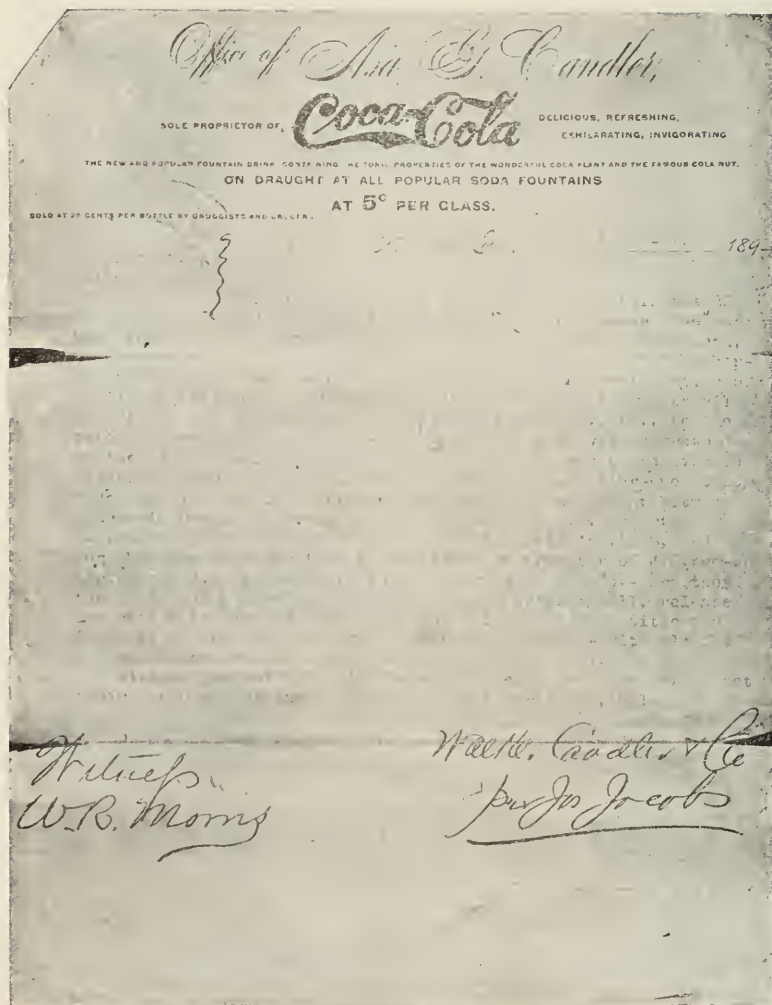


EXHIBIT 76.



Schedule I.

21

TABULATION OF THE COCA-COLA COMPANY'S TITLE TO COCA-COLA, ADVERTISING AND SALES.

Date	Manufactured By	Owner	Location	Witness	Record Page	Sales Per. Citation	Record Page	Advertising	Record Page
May, 1886	Pemberton Chemical Co.	J. S. Pemberton	107 Marietta St., Atlanta, Ga.	F. M. Robinson S. C. Dobbs	348, 349, 305	25 & 30 to Mich. 1-87	353, 7	\$73.90	Ex. 69, p. 351
To		J. S. Pemberton							
July 8, 1887	W. E. Venable	W. E. Venable Geo. S. Lowndes	Marietta and Peachtree, Atlanta, Ga.	W. E. Venable Geo. S. Lowndes	330, 515	1000	13, 70, p. 352 & 353 Ex. 71, p. 352	\$22.05 per Apr. 11, 1887	Ex. 69, p. 351
To		J. S. Pemberton							
Dec. 11, 1887	Woolfolk Walker	Woolfolk Walker Mrs. M. C. Dozier	107 Marietta St., Atlanta, Ga.	Mrs. M. C. Dozier	1829,				
To		Woolfolk Walker							
Apr. 14, 1888	F. M. Robinson	Woolfolk Walker & Co. Woolfolk Walker Mrs. M. C. Dozier	107 Marietta St., Atlanta, Ga.	F. M. Robinson S. C. Dobbs	350, 330				
To		Walker, Candler & Co.							
Apr. 17, 1888	F. M. Robinson	Asa G. Candler Woolfolk Walker Mrs. M. C. Dozier	63 Peachtree St., Atlanta, Ga.	F. M. Robinson S. C. Dobbs A. G. Candler	350, 351, 331, 374	1,233 1,233 305 & Ex. 71, p. 352		Per Record in Part 1887-1888-1889 1890-1891	Ex. 69, p. 351
To		Walker, Candler & Co.							
Aug. 30, 1888	F. M. Robinson	Asa G. Candler	63 Peachtree St., Atlanta, Ga.	F. M. Robinson S. C. Dobbs	351, 352, 331				
1889	F. M. Robinson	Walker, Candler & Co. Asa G. Candler	63 Peachtree St., Atlanta, Ga.	F. M. Robinson S. C. Dobbs	351, 352, 331	2,471	307 & Ex. 71, p. 352		
1890	F. M. Robinson	Walker, Candler & Co. Asa G. Candler	63 Peachtree St., Atlanta, Ga.	F. M. Robinson S. C. Dobbs	351, 352, 331	8,885	307 & Ex. 71, p. 352		
Apr. 22, 1891	F. M. Robinson	Asa G. Candler	63 Peachtree St., Atlanta, Ga.	F. M. Robinson S. C. Dobbs	351, 352, 331	19,841	307 & Ex. 71, p. 352		
To									
Feb. 22, 1892	F. M. Robinson	The Coca-Cola Co.	Atlanta, Ga.	F. M. Robinson S. C. Dobbs A. G. Candler C. H. Candler	352, 331, 374, 395	35,360	307 & Ex. 71, p. 352	11,401.78	307, 308
1893	The Coca-Cola Co.	The Coca-Cola Co.	Atlanta, Ga.			48,554	18,127 307 & Ex. 71, p. 352	12,995.12	307, 308
1894	" " " "	" " " "	" "			63,943	64,333 307 & Ex. 71, p. 352	14,548.14	307, 308
1895	" " " "	" " " "	" "			74,479	75,244 307 & Ex. 71, p. 352	17,744.22	307, 308
1896	" " " "	" " " "	" "			116,492	117,685 307 & Ex. 71, p. 352	24,117.38	307, 308
1897	" " " "	" " " "	" "			167,681	163,097 307 & Ex. 71, p. 352	72,405.18	307, 308
1898	" " " "	" " " "	" "				214,048 307 & Ex. 71, p. 352	43,857.62	307, 308
1899	" " " "	" " " "	" "				281,055 307 & Ex. 71, p. 352	18,334.81	307, 308
1900	" " " "	" " " "	" "				370,877 307 & Ex. 71, p. 352	81,567.97	307, 308
1901	" " " "	" " " "	" "				468,411 307 & Ex. 71, p. 352	104,276.01	307, 308
1902	" " " "	" " " "	" "				677,515 307 & Ex. 71, p. 352	149,658.79	307, 308
1903	" " " "	" " " "	" "				881,421 307	344,911.40	307, 308
1904	" " " "	" " " "	" "	Asa G. Candler	373		1,114,787 307	280,965.12	307, 308
1905	" " " "	" " " "	" "				1,548,888 307	356,352.67	307, 308
1906	" " " "	" " " "	" "				2,107,661 307	482,553.47	307, 308
1907	" " " "	" " " "	" "				2,558,782 307	550,775.12	307, 308
1908	" " " "	" " " "	" "				2,877,732 307	624,077.70	307, 308
1909	" " " "	" " " "	" "				3,485,526 307	675,048.50	307, 308
1910	" " " "	" " " "	" "				4,190,149 307	833,429.13	307, 308
1911	" " " "	" " " "	" "				4,815,677 307	978,739.40	307, 308
1912	" " " "	" " " "	" "				5,504,956 307	1,182,257.29	307, 308
1913	" " " "	" " " "	" "				6,767,822 307	1,196,210.00	307, 308



ADVERTISING AND SALES OF COCA-COLA.

(a) As testified to by the witnesses for The Coca-Cola Company:

There is really no dispute concerning the amount and the extent and method of the advertising of Coca-Cola. It is shown conclusively that Coca-Cola is sold and advertised extensively, not only in every state in this Union, but in many foreign countries. The extent, the amount and the use of the advertising is set out conclusively in the record. See the following testimony:

Name of Witness.	Record Page.
S. C. Dobbs	308-318
(With this witness the different specimens of advertising were introduced.)	
F. M. Robinson (Early advertising)	352
St. Elmo Massengale	411, 412
Nick D. Chotas	447
G. A. Harbour	457
I. L. James	460
Alexander Cruickshank	463
Charles Kingsberry	465
F. H. Smith	468
D. G. Wise	474
J. F. Redding	479
L. Stephens	484
John Mehos	511
Clyde Park	512
G. H. Upchurch	522
Robert Chidsey	558
C. G. Peters	654
P. A. Capdau	664
W. H. Flowers	676
Albert J. Miller	680
Fred Schwartsenburg	681
R. W. Brown	682
T. J. Britton	829
See generally the testimony of:	
D. E. Bolton	407
T. L. Boswell	423
T. M. Murphy	502
F. C. Peace	706
Sam Friend	848

SCHEDULE II.**KOKE AND DOPE MEAN COCA-COLA.**

The following is an excerpt from the record of the testimony with respect to the word **Koke** as an abbreviation of the name **Coca-Cola** and **Dope** as a nickname for **Coca-Cola** and establishes that these words are short names used by purchasers in ordering and designating **Coca-Cola**.

GEORGE ALFRED HARBOUR (Rec., 456), Atlanta, Georgia, proprietor of Harbour's Smoke House; has conducted a soda fountain for five years and a half:

457 "Well, almost six or eight people out of ten often ask for 'Coca-Cola' under the name of 'dope.' Yes, sir; I recognize 'dope' as a nickname for 'Coca-Cola.' * * * I don't know that I ever called 'Coca-Cola' by the names 'koke' or 'dope' before I got in business—I may have. Of course, I call for it now under that name myself and I suppose ever since I can remember I have known it as 'dope.' However, I have noticed it more since I have been in business than I ever did before because I have been in closer contact with it now."

I. L. JAMES (Rec., 460), Atlanta, Ga., drug business:

460 "I have heard them come in and ask for 'Coca-Cola' by asking for 'dope' and 'koke' and different things. When they ask for 'dope' and 'koke' I give them 'Coca-Cola.' I understand 'dope' and 'koke' to be a nickname
461 for 'Coca-Cola.' Why, I guess I have heard the names 'koke' and 'dope' as nicknames for 'Coca-Cola' about five or six years."

ALEXANDER CRUICKSHANK (Rec., 463), Atlanta, Georgia,
cigars and soda water; five stores:

463 "I am around the fountains in my various stores, and
have been, and hear people asking for drinks. I have
464 heard them ask for 'Coca-Cola.' They use a number of
nicknames in asking for it. 'Dope' is the principal one, I
think. Yes, sir; I heard the word 'koke.' When a man
asks for 'koke' and 'dope' I understand that he wants
'Coca-Cola.' I regard the names 'koke' and 'dope' as
familiarily used nicknames for 'Coca-Cola.' I couldn't
tell you positively how long these nicknames have been
used; to my certain knowledge they have been used at
least eight years. They are very commonly used to the
extent, I should judge, that sixty per cent. of the people
that drink 'Coca-Cola' call it by a nickname of some
kind or other—'Candler's cocktail,' 'brick from the Cand-
ler building,' 'Candler's highball,' 'dope,' and 'koke.' "

CHARLES KINGSBURY (Rec., 465), Atlanta, Georgia, cigar
and soda water business:

" 'Dope' is the principal name that is used in calls at
my fount for drinks, and 'Candler's highball' and 'give
me a brick in the Candler building'—all that kind of stuff.
When people come into my place of business and call for
'dope' and 'koke,' I understand them to mean 'Coca-
Cola.' Eyer since I have been in business they have
been calling it by that way—about six years."

F. H. SMITH (Rec., 468), Atlanta, Ga., soda water busi-
ness for ten, twelve or fourteen years:

468 "Oh, yes, when people mean 'Coca-Cola' they use
469 nicknames and slang terms, such as 'dope' and 'koke'
and 'Candler's whiskey,' and 'Candler's Highballs'—I

don't know, most anything you can think of. When they ask for 'dope' or 'koke' I understand that they mean 'Coca-Cola,' and that is what I serve them. Half of the people in Atlanta will ask for 'Coca-Cola' by the name of 'dope'—'give me a dope,' half of them will say, instead of 'Coca-Cola.' I recognize the words 'dope' and 'koke' as commonly used nicknames for 'Coca-Cola.' I drank 'Coca-Cola.' I used to ask for it as 'dope' and 'koke'—everything else—it has been known as 'dope' ever since I have known 'Coca-Cola.' ”

DR. J. D. T. LAWRENCE (Rec., 470), Atlanta, Ga., soda fountain for nearly ten years:

- 471 “I hear them ask for 'Coca-Cola.' They use other terms when they mean 'Coca-Cola.' 'Dope,' I think, is the biggest word they use. When a man asks for 'dope' I give him 'Coca-Cola.' Well, I couldn't tell you how long 'dope' has been a nickname for 'Coca-Cola.' Seems to me I have heard it ever since I have been selling 'Coca-
- 472 Cola'—six or seven years, anyhow. * * * just a sort of nickname I always looked upon it, a man drinking a 'Coca-Cola,' they suppose it is something like coffee, I expect, and just call it 'dope.' ”

DR. F. F. LANGENFELDT (Rec., 473), manager of Palmer's drug store, Atlanta, Ga.:

- 473 “People sometimes ask for 'dope' and ‘Coca-Cola.’ I have occasionally heard them ask for 'koke,' very seldom though. When they ask for 'koke' or 'dope' I give them 'Coca-Cola.' Yes, sir; that is what I understand they mean by those expressions. I have known the name 'dope' as a nickname for 'Coca-Cola' ever since I have been in Atlanta,—for eight years I have heard people ask for it that way. * * * It's a nickname just like everything else.”

DAVID G. WISE (Rec., 474), Atlanta, Ga., for five years;
keeps two retail drug stores:

- 474 "There are nicknames used for 'Coca-Cola' at my soda fountain—they often come in and ask for 'dope' and 'koke' and I guess that's all. When a person comes in and asks for 'dope' and 'koke' I understand they want 'Coca-Cola.' I have known the names 'dope' and 'koke' ever since I have been in the drug business here. Yes, sir; as applied to 'Coca-Cola.' "

W. R. STOVALL (Rec., 476), in the soda business, Atlanta, Ga.:

- 477 "When people come into my store and ask for soft drinks they hardly ever call for 'Coca-Cola'—I don't suppose that ten per cent. of them ask for 'Coca-Cola'—they ask for 'dope.' Yes, sir, when a man asks for 'dope' I understand him to mean 'Coca-Cola.' * * * 'Dope' is a commonly used nickname for 'Coca-Cola' in Atlanta."

J. F. REDDING (Rec., 478). Atlanta, druggist:

- 479 "'Coca-Cola' is asked for at my fount by other names, such as 'Asa G.' and 'shot' and 'dope' and 'koke,' and those names, and several others. When a man comes into my fountain and asks for 'dope' and 'koke,' 'Coca-Cola' is what I give him. Yes, sir, I understand that that applies to 'Coca-Cola.' Those names have been in use ever since I have been dispensing drinks."

CHARLES B. GIARDINA (Rec., 480), Atlanta; soda fountain and cigar business:

- 480 "When people mean 'Coca-Cola' they call 'dope' and sometimes 'koke' in calling for it at my store. When a

481 man calls for 'koke' or 'dope' I understand that he wants
 'Coca-Cola,' I don't handle any other drinks similar to
 'Coca-Cola.' * * * Some people say sometimes
 'give me a 'Coca-Cola' and they drink three and four
 times a day, sometimes twice a day and then next time
 they come in and say 'well, give me a 'dope'—you see?
 It's just that way."

W. A. MEDLOCK (Rec., 482), a druggist having three
 stores in Atlanta:

482 "I don't know how long I have known 'Coca-Cola,' I
 have known it almost since it came out. Well, I
 guess I have been drinking 'Coca-Cola'—I think I can
 safely say, for fifteen years. * * * You ask if peo-
 ple ever use nicknames when they mean 'Coca-Cola';
 well, they come in and call for 'Morning's Morning' or
 'dope,' about the only nicknames I know of. When a
 man asks for a 'morning's morning' or a 'dope' I under-
 stand that to mean 'Coca-Cola.' * * * Q. 22. Do you
 regard the word 'dope' as a familiarly used and common
 nickname for 'Coca-Cola'? A. Yes, sir."

LINTON STEPHENS (Rec., 484), Atlanta, Ga.; ten years a
 soda dispenser:

484 "I have known the drink Coca-Cola about fifteen years.
 * * * Some call for 'Coca-Cola' and to make it short
 they call for 'dope.' I believe that is all I heard. I have
 only known the name 'dope' as applied to 'Coca-Cola'
 just a few years. When they ask for 'dope' they ask
 for 'Coca-Cola,' they don't ask for any other drink at
 485 all. They don't say 'Coca-Cola' because it is too long,
 they call for 'dope.' Yes, sir; it is just a nickname for
 'Coca-Cola.' * * * I have an idea why people and
 customers use the word 'dope,' they don't want to call

it 'Coca-Cola' because it is too long, possibly that's one reason they call it 'dope'—because that's been the nickname for it for several years—they call it 'dope' and when they call for 'dope' they don't want anything but 'Coca-Cola.' ”

GEORGE MOORE (Rec., 487), Atlanta, Ga.; business soda water supplies, and a retail place; also receives telephone calls for drinks:

- 487 “Yes, sir; I know the names people use when they mean to call for 'Coca-Cola.' All of my customers—I say all of them because I know them all and I have been there eighteen years at that corner, and I know them all—when they want 'Coca-Cola' they call 'give me a “Dope”.’ Sometimes they ask for 'Koke' or 'caffeine' and 'Candler's Highball,' they mean 'Coca-Cola' just the same, that's what they want—just a nickname they have for it—and even myself, I am ashamed to say it, myself the boss—when I want sometimes a drink, I say
488 'give me a “dope” ’ I just got the habit of it, I hate to say it, but I do it a good many times. Oh, I have known the word 'dope' as a nickname for 'Coca-Cola' a long time, since 16 or 18 years ago, almost since I have been at that corner. Q. 17. Do you recognize the word 'dope' as a nickname for 'Coca-Cola'? A. Why, yes, sir. Q. 18. Do your customers? A. The customers do. They don't mean nothing but a 'Coca-Cola' for a nickname for 'Coca-Cola,' they call it 'dope.' ”

PETE VERGE (Rec., 488) of Atlanta, Ga., cigars and soda water, testified that he had known of “Coca-Cola” for fourteen years:

- 489 “We have 'Coca-Cola' signs, you know, but people call different names, you know—call it 'dope'—of course,

when they say 'dope' we know they want 'Coca-Cola,' you know. Well, sometimes the boys call it 'Candler's highball,' but not as much as they do 'dope' in my place. They say 'dope' seventy-five times and 'Coca-Cola' twenty-five times. I understand the word 'dope' to mean 'Coca-Cola.' No, I never hear the expression 'koke,'—just 'dope,' you know."

W. N. TUMLIN (Rec., 490), of Atlanta, Ga., soda fountain;
has operated a soda fountain for about ten years:

- 491 "They use various names such as 'dope' or 'koke' or 'Candler's Highball.' I understand them all to mean the same thing—'Coca-Cola.' Q. 13. State whether or not from your experience the word 'dope,' 'Koke,' and 'Candler's Highball' are familiar nicknames for 'Coca-Cola' so used by the public and understood by the trade. A. It is. Well, the word 'dope' as a nickname for 'Coca-Cola' came into prevalent use about seven or eight years ago. I suppose seventy-five per cent. of my trade would designate 'Coca-Cola' by some nickname. About sixty per cent. of that seventy-five per cent. would be 'dope,' some 'koke' and some 'Candler's Highball.' "

W. A. HARTMAN (Rec., 492), 173 Ashby street, Atlanta, Ga., in the cigar and soda water business; has known of "Coca-Cola" for fifteen or sixteen years:

- 492 "You ask what names are used in designating 'Coca-Cola' at the fountains I have been to, besides 'Coca-Cola'; well, it's called 'dope'—I get orders over the telephone, 'Send me a "dope" and lime' or 'A "dope" and orange.' I have occasionally heard the name 'koke' used, but not very much, not as much as I have 'dope.' I understand the names 'dope' and 'koke' to mean and apply to 'Coca-Cola' and 'Coca-Cola' is what I serve in response to such requests."

DR. T. C. MARSHALL (Rec., 493), Atlanta, Ga., druggist, testified that he has known of "Coca-Cola" for twenty odd years:

494 "The other names that are used at the fountains, that I am acquainted with, in calling for 'Coca-Cola' are 'Coca-Cola,' 'dope,' 'koke,' and 'shot in the arm.' I have known 'dope' ever since I have been serving it. 'Koke,' though, hasn't been used but about the last ten years to much extent. I understand the names 'koke' and 'dope' to mean 'Coca-Cola,' and that is what I serve when those names are asked for."

J. B. PRENDERGRAST (Rec., 496), druggist, of Atlanta, Ga., testified:

496 "You ask if I know the names people use when they mean 'Coca-Cola'; well, the one we get most is 'dope.' When a man asks for 'dope' at my soda fountain I understand that he means 'Coca-Cola' and always furnish 'Coca-Cola' on such calls. No, sir; I have never had any one to turn it back and say it was not what was wanted. Yes, sir; I have heard the word 'koke' as a nickname for 'Coca-Cola' but not recently; it was several years back they used that a good deal. It meant, as applied to a
497 soft drink, 'Coca-Cola.' Well, as far as I remember I have heard the nickname 'dope' as a nickname for 'Coca-Cola' at least ten years. All that time we considered it a nickname for 'Coca-Cola.' Q. 22. You consider that as a definite request for 'Coca-Cola'? A. Yes, sir; we get it—we get calls for 'Candler's Highball,' 'Candler's "dope,"' but I think, though, half of them call for 'dope' meaning 'Coca-Cola.' * * *
498 Irrespective of what I may have at my fountain I consider these various expressions, 'koke,' 'dope,' 'Candler's Highball,' 'brick in the Candler building' as

definite designations of 'Coca-Cola.' They are all expecting 'Coca-Cola'; that is what they all want; we never have any comment of any kind on it; they were always expecting 'Coca-Cola'; that is our understanding of it. If I were to meet a friend on the street and he would say to me 'Let's go into this soda fountain and have a "dope," ' I would understand that he was talking about 'Coca-Cola,'—that he was asking me to have a 'Coca-Cola' with him."

G. H. UPCHURCH (Rec., 521), drug business, Mobile, Ala.; president and manager of the Bienville Pharmacy, Inc.; in the drug business for the past nine years in Mobile; before that in Tuscaloosa, Ala., and Carrollton, Ala., testified:

- 522 "Now, I don't know that I can relate all of the nicknames for 'Coca-Cola,' but the two most frequent are 'koke' and 'dope.' Now, I couldn't answer, either, as to how frequently the words 'koke' and 'dope' are used as nicknames for 'Coca-Cola' but I would say the larger per cent. of the time—that is, the larger per cent. of the calls come under the head of 'dope' or 'koke,' or some nickname. When a man comes into my store and asks for a 'dope' or a 'koke' or says 'Give me a "dope," ' or
- 523 'Give me a "koke," ' I understand that he means 'Coca-Cola' and supply 'Coca-Cola'—those are my instructions to all the men at the fountain. No, sir; I have never known of any instances where the purchaser has rejected 'Coca-Cola' saying it was not what he wanted when we served it in response to such requests for 'dope' or 'koke'; on the contrary I have frequently asked the question as to what they mean and invariably they state 'Coca-Cola.' Well, I don't know exactly how long the nicknames 'koke' and 'dope' have been applied to 'Coca-Cola' but I expect, as I stated in my letter, nine

or ten years, and I expect longer than that, but I think I can safely say nine or ten years to my own knowledge.

530 * * * The two names 'dope' and 'koke' are inseparably connected in my association with 'Coca-Cola'—in my estimation they mean 'Coca-Cola.' * * * You say you suppose that when I first heard the word 'dope' or 'koke' applied to 'Coca-Cola' that I thought it was because it had cocaine or some extract of cocaine in it; well, I didn't know why it was called that. The only thing I knew it was a nickname for 'Coca-Cola.' "

DAVE S. BAUER (Rec., 533), has been a retail druggist in Mobile, Ala., for twenty odd years. During that time has handled and dispensed "Coca-Cola":

534 "I have heard 'Coca-Cola' named 'dope,' 'koke' and other names. I think people use nicknames for 'Coca-Cola' more so than they call for 'Coca-Cola.' * * * You ask how long I have known the nickname 'koke' and 'dope' familiarly applied to 'Coca-Cola'; seems to me always, since I have been around the soda fountain, 25 or 26 years—24 years to be exact."

E. R. ALBRIGHT (Rec., 545), a druggist of Mobile, Ala. Member of the firm of Albright & Wood, who operate two stores, testified:

545 "I know of nicknames for 'Coca-Cola,' that are commonly used; namely, 'dope.' Well, I have heard of 'koke' yes, sir, but not as frequently as 'dope.' * * *

548 Why, I should say I have known the nicknames 'koke' and 'dope' to be applied to 'Coca-Cola' about eight

549 years—eight or ten years. I know that I drink 'Coca-Cola,' and have for years, and did before I went in business on my own account, and when I went into a place and asked for 'dope' I expected 'Coca-Cola.' * * *

When a man calls for 'dope' without expressing anything else, I would think he wanted 'Coca-Cola.' I don't know why, but it has just been customary at soda fountains—at our fountain. No, sir; it was not because 'Coca-Cola' was recognized as having some element of cocaine in it, or some 'dope' in it. I have not heard it called 'koke' as often as 'dope.' I very seldom ever hear it called 'koke' any more. No, sir; 'koke' did not pass out of general use long ago; I hear it occasionally now. The word 'dope' is used frequently, even, possibly, as many times as 'Coca-Cola,' but the word 'koke' is used very infrequently."

GEORGE L. SEIBERT (Rec., 551), soda dispenser for Dave S. Bauer, the druggist in Mobile, testified:

552 "You ask if, from my experience as a soda dispenser, I have formed any opinion as to the meaning of the words 'koke' and 'dope'; well, the only way I can say, it would be more of a nickname for 'Coca-Cola.' When people want that, they think of it quicker and it's more of a nickname for it, too, because anybody coming in there—I have seen it quite often happen—and asking for 'koke' or 'dope,' they go to ask you about Candler in Atlanta, telling you how he got rich off of it, and they call for a 'koke' at the same time and then they will tell you about it; therefore, they mean 'Coca-Cola' when they come in and ask for it. * * * The word 'dope' has no meaning to me except 'Coca-Cola,' that's all. I have never heard it used in any other way at a soda fountain. Yes, sir; it has a meaning. I understand it to mean generally
553 'Coca-Cola.' When you ask me or anybody else for 'dope' you get 'Coca-Cola' down at Bauer's drug store.
554 * * * The words 'koke' and 'dope' are used interchangeably, one as much as the other—both used as a nickname for 'Coca-Cola.' "

R. W. ELLIOTT (Rec., 562), who is in charge of the Van Antwerp drug store soda department, in Mobile, testified that he had known of "Coca-Cola" for fourteen years:

563 "Q. 18. State what the facts may be in respect to the words 'koke' and 'dope' being commonly used as nicknames for 'Coca-Cola.' A. Well, they are commonly used as nicknames for 'Coca-Cola.' I have known these words 'koke' and 'dope' being used as nicknames for 'Coca-Cola' ever since I have been working around soda fountains, about 12 or 13 years. * * * These people who came in to drink 'Coca-Cola' in our place ask for it under different names; they ask for it under 'Coca-Cola'—I have heard them ask for it under 'dope'—I have heard them ask for a 'koke'—I have heard them call for a 'shot in the arm,' meaning 'Coca-Cola,' and I have also heard them call for 'morphine cocktails,'—a good many nicknames, all meaning 'Coca-Cola,' they are all satisfied when we give them 'Coca-Cola,' we never hear any
564 complaint. There is no way of getting at the proportion of people who ask for 'Coca-Cola,' using the name 'Coca-Cola,' I don't think. A customer will come in to-day and call for 'Coca-Cola' and to-morrow he will nickname it."

I. V. WOOD (Rec., 566) of the firm of Albright & Wood, druggists of Mobile. Operate two stores. Has known "Coca-Cola" for about twenty years:

566 "I have heard the words 'dope' and 'coke' used as nicknames for 'Coca-Cola.' I have known them to be used as nicknames for 'Coca-Cola' practically as long as
570 I can recollect the name 'Coca-Cola.' I claim 'dope' has two meanings: It is a slang—"the dope on horse races," 'the dope on the baseball game' and different things; but when a man comes to the prescription department, I

would think that he wanted a narcotic if he called for a 'dope.' If he went to a soda fountain I would naturally think he wanted 'Coca-Cola.' * * * I can't exactly recollect that I was shocked that he wanted 'dope' the first time I heard a man call for 'dope,' because it has been a common expression of the word, used for a substitute for the word 'Coca-Cola'—as a nickname—I don't know which you might call it—since I have been big enough to know anything—I have been working in drug
571 stores since I was ten years old. * * * You ask if you are to assume that the customer who come in never use the word 'Coca-Cola' but always call for either 'dope' or 'koke'; well, you can watch a customer, sometimes he will come in and ask for 'Coca-Cola' and possibly the next day he will call for 'dope' and the next day he will call for 'koke.' I find the average 'Coca-Cola' drinkers are liable to call for it under either one of these three names. I will say that there isn't twenty-five per cent. of our customers that uses the correct name for 'Coca-Cola.' Possibly twenty-five per cent. of my trade use the correct name and about seventy-five per cent. of my trade will call it 'dope' or 'koke.' "

GEORGE S. MORSE (Rec., 645), buyer of the Economy Drug Store in New Orleans, testified:

646 "You ask if people, when they mean 'Coca-Cola,' invariably use the name 'Coca-Cola' or if they have other expressions; oh, sometimes they use other expressions. They usually ask for a 'dope' or 'koke.' When a person comes into our fountain and asks for a 'koke' or a 'dope' we understand that he means 'Coca-Cola,' and we furnish 'Coca-Cola,' in response to such requests."

C. G. PETERS (Rec., 653), druggist in City of New Orleans for twenty-eight years, operated soda fountain in connection with his business for same period, handling "Coca-Cola" for eighteen or twenty years:

- 654 "When people want 'Coca-Cola' most of them ask for 'Coca-Cola.' Some ask for 'koke' and some for 'dope.' * * * You ask how long I have known the names 'dope' and 'koke' to be used as nicknames for 'Coca-Cola'; lately,—I can't tell exactly, might be seven or eight years, might be longer."

PIERRE AUGUST CAPDAU (Rec., 664), a pharmacist, for thirty years in the drug business in New Orleans, familiar with "Coca-Cola," having handled it off and on for maybe twenty or twenty-five years:

- 665 "You ask me to state, when people order 'Coca-Cola' at my fountains, what names they use to indicate that they mean 'Coca-Cola,' and want that; some will say 'give me a "koke"' and some others will say 'give me a "dope,"' and still others will say 'give me some drug'—they all use a humorous expression, or a slang expression, and it always indicates the one thing—and that is 'Coca-Cola.' "

O. P. BLAND (Rec., 670), has soda water and ice cream business in New Orleans and handles "Coca-Cola":

- 670 "Yes, sir; people coming to my place of business use other names besides 'Coca-Cola' in calling for 'Coca-Cola,' such as 'koke' and 'dope.' I understand those names to apply to 'Coca-Cola.' "

H. W. FLOWERS (Rec., 676), resident of New Orleans, employed as dispenser at the soda fountain of Capdau, druggist, in this line of work for six or seven years:

- 676 "I have heard the names 'dope' and 'coke.' If a man comes to my soda fountain and asks for 'dope' or 'coke' I understand that he wants 'Coca-Cola.' Yes, sir, that is applied to 'Coca-Cola,' generally."

R. W. BROWN (Rec., 681), lives in New Orleans, formerly in Vicksburg, Mississippi; in the soda water business:

- 681 "I have heard the names 'koke' and 'dope' used at our fountain. They apply to 'Coca-Cola,' that's what we generally give them when people use that nickname; they hardly ever call for 'Coca-Cola,' they say 'dope' or 'koke,' somethink like that."

FRED SCHWARTZENBURG (Rec., 680), managing Katz & Besthoff's soda fountain, New Orleans; has been serving "Coca-Cola" for several years:

- 681 "You ask what names are used at our fountain in calling for 'Coca-Cola,' 'dope' and 'koke'—any name that they think we'll understand that they want 'Coca-Cola.' When they use these various names I understand that they want 'Coca-Cola' and that it applies to 'Coca-Cola.' "

ALBERT J. MILLER (Rec., 679) in the confectionary business in New Orleans, serves "Coca-Cola," has been handling it over five years, known it fifteen or eighteen years:

- 680 "We have calls at our fount for a drink under the name of 'Koke.' When a person calls for a drink of 'koke' I understand that they mean 'Coca-Cola' and I serve

'Coca-Cola' when they ask for it. They ask for 'koke,' and 'dope,' too, that's a nickname.'

CECIL V. ROGERS (Rec., 735), druggist, Dallas, Texas; has been in drug business about twenty-three or twenty-four years:

735 "You ask me to state if I know the expression used by my customers at my soda fountain, which I understand to be a request for the product of the Coca-Cola Company; well, they come in and call for it—I have had them come in and call for a 'dope' or call for a 'coke'—they very often, in fact more often, call for a 'coke'; they will come in and say 'give me a "coke,"' just abbreviate it.

736 * * * You ask how long I have known people to ask for 'Coca-Cola' under the name of 'coke'; I think it would be conservative if I said 15 or 16 years, during
738 which period they have called for it under the name
739 'dope,' but that is not as frequently as 'coke,' though. 'Coke' is the word they use more frequently than any other name I have known it to go under. * * * The first time I ever heard it called 'dope' I asked them 'what do you mean by "give me a dope?"' They had some plumbers and electricians right near my store and one of them said 'give me a dope.' I said, 'What do you mean?' and he said 'Coca-Cola,' but I hadn't heard that under that name."

JACOB SCHIRODT (Rec., 740), druggist, Dallas, Texas:

740 "You ask if when people at our store come in they invariably use the name 'Coca-Cola,' or if there are other words used to indicate what they want; sometimes they call for a 'dope,' sometimes some of them ask for 'coke,'
741 some of them for 'a shot in the arm.' Some of them, very few of them, say 'Coca-Cola.' When a man asks for

'dope' or 'coke' we usually repeat back to him, 'Coca-Cola'? Ever since I have been in the drug business I have gotten in the habit, in fact I try to train all my help, that whenever a customer asks for anything in the store to repeat the name back to them as they understand it and if there is a mistake they catch it before it gets any further, and I do same thing at the soda fountain. If a man says, 'Give me a dope,' I have the boys say, 'Coca-Cola'? When he says, 'Give me a dope' or a 'coke' we tell them we haven't got it because we don't serve anything else but 'Coca-Cola' along that line. No, sir; in response to the question that I have just stated the dispensers ask the customers—those who ask for 'dope' and 'coke,'—I have never had them say that it was not 'Coca-Cola' that was wanted. You ask how long I have known the word 'coke' as a short name for 'Coca-Cola'—oh, for years; I am not certain how many years it has been. The word 'coke' has been used for 'Coca-Cola' to say definitely it would be almost impossible; I have known
743 it eighteen years, at least. * * * No, as a result of my training my custom is not getting out of the habit of using the nickname and getting the regular name—that are just as bad as they have always been and if anything, worse, because they know that we know what they want. My regular customers that drink 'Coca-Cola' all the time say, 'Give me a coke,' where they mean 'Coca-Cola'; well, I know what they want, and they know that I know it, too. * * * Yes, sir; I have had purchasers come into my store and ask for 'dope' that I was not acquainted with and have had my dispensers ask them what they meant. No, sir; they did not say anything other than 'Coca-Cola.' ”

CHARLES R. SMITH (Rec., 746), Dallas, Texas, drug business about fifteen years:

746 "They have different names for it. A fellow will call it 'coke,' 'dope'; some fellows come in and say, 'Give me a shot in the arm.' Well, of course, when they ask for it by those names I would naturally think they wanted 'Coca-Cola' and have always served them 'Coca-Cola.' "

J. W. ARRANT (Rec., 748), in charge of the Southland Drug Store soda fountain, Dallas, Texas; in the dispensing business a little over eight years:

748 "I am familiar with the names which customers apply to 'Coca-Cola' in asking for it. They call for it under the names of 'coke,' 'dope,' 'shot'—mostly ask for 'coke' when they come up to the fountain. When they do so I ask them what they mean and they say 'Coca-Cola.'

749 * * * Something like a month ago I put on a dispenser's test at the request of a representative of the Coca-Cola Company. That test continued something like a day and a half or two days. About ninety per cent. of the people called for 'coke.' I would ask them, 'What do you mean when you say "coke"?' They would say, 'Coca-Cola.' Not one of them answered that question dif-

750 ferently. * * * Yes, sir; these people I was asking the question of the other day thought I was putting up a joke on them; or they would ask, 'What are you trying to do?' and I said, 'There has been a drink made here in Dallas called "Koke" and they want to know if you want "Koke" or "Coca-Cola." ' They said, 'Hell, no, we want "Coca-Cola." ' ' ' ' "

A. M. TIMMS (Rec., 752), soda man Owl Drug Company, Dallas, for ten or twelve years:

- 752 “We have had people ask for it different ways, some ask for ‘coke’ you know, some ‘Coca-Cola,’ some would ask for ‘dope,’ you know. When a man asks for ‘coke’ or ‘dope’ I understand that he means ‘Coca-Cola’; I generally ask him, ‘Coca-Cola?’ and he says, ‘Yes.’ I have been asking people that question ever since the last couple of weeks. A man asked me to put that test on and I have been doing so ever since. Before that I just gave them ‘Coca-Cola.’ I have never had ‘Coca-Cola’ rejected as
- 753 not what was asked for. I have known the name ‘coke’ to be used as a nickname for ‘Coca-Cola’ ever since I have been working in the business. In other words, about ten or twelve years, something like that. They asked for ‘coke,’ ‘needle,’ and all like that; I didn’t pay much attention to it. When a person uses these expressions I ask him and he says ‘Coca-Cola’ every time. You ask if I understand that ‘coke’ and ‘Coca-Cola’ are equivalent and mean the same thing; well, when they ask for ‘coke’ they always mean ‘Coca-Cola,’ that’s what they mean.”

JAMES F. ROGERS (Rec., 754), drug business at the Southland Hotel:

“My observation has been during the fifteen years I have been in business, that ‘Coca-Cola’ is called for under the names ‘coke,’ ‘dope’ and ‘shot’—I believe those are the most frequent names—‘coke,’ however, is the most frequently called for; it is called for by fifty per cent. of our customers now; they call it ‘coke’ meaning ‘Coca-Cola.’ ”

C. D. KINGSTON (Rec., 790), druggist, Dennison, Texas:

- 790 “The name ‘Coca-Cola’ is not invariably used in full by people who consume ‘Coca-Cola’ at my fountain. Some ask for ‘Coca-Cola,’ some ‘coke,’ some ‘shot in the arm,’ some ‘dope.’ When a man asks for ‘coke’ I understand that he means ‘Coca-Cola’ and ‘Coca-Cola’ is what I supply. I have never had it rejected on the ground that it was not what was asked for. I don’t know how long I have known these words ‘coke,’ ‘dope,’ ‘shot in the
- 791 arm,’ etc., to be used as nicknames. It has been so long I have never paid any attention. It has been pretty near ever since I have been selling ‘Coca-Cola,’—for five or six years—ever since I had a fountain.”

R. L. ASBELL (Rec., 756), soda dispenser for Cecil Rogers, Dallas, drug stores; worked before that at Dimitri Minich; before that at Britton’s drug store; before that at Brown & Allen’s, and Cone’s, Atlanta:

- 756 “At the various places that I have operated, people say, to indicate to me that they mean ‘Coca-Cola,’ they will ask for ‘dope’ and some places they call it ‘coke.’ In Dallas the most common name is ‘coke.’ In response
- 757 to a request for ‘coke’ I furnish ‘Coca-Cola.’ I generally ask the question, does he want ‘Koke’ or ‘Coca-Cola,’ he would smile and say he wanted ‘Coca-Cola.’ * * *
- In Atlanta, my experience was that the name used over there was ‘dope.’ No, sir; I didn’t hear people in Atlanta ask for ‘coke.’ When a person asked for ‘dope’ in Atlanta I understood he meant ‘Coca-Cola’ and furnished ‘Coca-Cola.’ No, sir; I never had it rejected as not what was asked for. Yes, sir; I do regard the names ‘coke’ and ‘dope’ as commonly used nicknames for ‘Coca-Cola.’ ”

DEXTER H. HARDIN (Rec., 759), dispenser in Owl Drug Company, Dallas, Texas:

759 "Our customers call for 'Coca-Cola' under the names 'Coca-Cola,' 'dope,' 'coke,' 'shot.' I first remember hearing them about four years ago. * * * A test was made between two and three weeks ago at the request of Mr. Peace. The result of that test was that about a
760 third of the customers called for it under the name of 'coke.' Whenever they called for 'coke' or 'dope' I asked if they wanted 'Coca-Cola' or 'Koke,' and the reply was 'Coca-Cola.' * * * I think there were about a hundred people come in during that time and about thirty-five of them called for 'coke.' Yes, sir; I asked each of those thirty-five what he meant by 'coke' and his answer was 'Coca-Cola.' "

S. Y. ALTHOFF (Rec., 760), manager of the Owl Drug Store, Dallas, Texas; for thirteen years in the drug business:

761 "I know how purchasers of 'Coca-Cola' indicate that they want 'Coca-Cola.' The name 'Coca-Cola' is not invariably used; it is quite frequently shortened into 'coke' or other words used, such as 'dope' or 'shot.' When a man comes into our store and asks for either 'coke' or 'dope' or 'shot' I understand that he means 'Coca-Cola.' Yes, sir; these terms are familiarly used nicknames for 'Coca-Cola.' In response to requests for 'dope,' 'coke' or 'shot' we give 'Coca-Cola.' We have never had it rejected as not being what was asked for. I have heard the words 'coke' and 'dope' since I have been in Dallas, that is, about six years. During all of that period a request for 'coke' has been understood by me to mean 'Coca-Cola.'

The same applies to the use of the word 'dope.' You

ask if I have ever thought of what the word 'dope' means in regard to that; well, the word 'dope' may mean to some people a narcotic or sedative or drug, but I don't think it has any connection with the drink. I have inquired, in a limited way, of many people whom I know
762 just in a friendly sort of way, when they come and ask for 'dope' or 'coke' I tell them we don't keep that, we keep 'Coca-Cola'—that's merely in jest, but they mean 'Coca-Cola.' I have never gone into their minds to find out how or why they call it 'dope,' but we generally know it is a nickname for 'Coca-Cola.' "

O. M. BROWN (Rec., 763), clerk at the Oriental Drug Store, Dallas, Texas, and in charge of the soda fountain:

764 "In dispensing 'Coca-Cola' it has been called for during the period I have been selling it by those who use it under the names 'coke' and 'dope,' 'shot in the arm' and 'Coca-Cola.' I have been observing the name 'coke' applied to it ever since I began noticing it, say five or six years ago. About three weeks ago at the request of the 'Coca-Cola' representative, Mr. Peace, I put on a test at the Oriental Drug Store, of our customers coming in.
Q. 14. Well, now, what proportion of these people that called for 'coke' during the time that test continued wanted 'Coca-Cola'—that called for 'coke'? A. Well, half of them, anyway. Yes, sir; I would ask them what they meant and their answer would be 'Coca-Cola.' "

E. B. THOMAS (Rec., 766), confectionery business, Dallas, Texas; handled Coca-Cola about eight years:

766 "During this period my customers had been calling at the fountain for 'Coca-Cola' under at least somewhere in the neighborhood of a dozen names, I should judge.

They called for 'dope' and called for 'coke' and they called for 'dry-town eye-opener' and they called for a 'shot'—things like that. Yes, sir, they called for 'Coca-Cola,' also. They called for it as 'coke' frequently, as much as they did 'Coca-Cola,' if not more. I couldn't say as to how long they had been calling for it as 'coke,' 767 it seems to me it has been as far back nearly as I can remember—a good little bit, nicknaming it 'koke,'—seems like the same way as going into a saloon and saying, 'Give me a bottle of Bud'; as far back as I can remember they would say, 'Give me a bottle of Bud'—for 'Bud-weiser.' ”

F. L. SKILLEN (Rec., 792), druggist, Dallas, Texas:

792 “The people at my fountain indicate that they desire the product of the Coca-Cola Company by calling for 'Coca-Cola' and 'coke.' When a person calls for 'coke' 793 I understand that he means 'Coca-Cola' and 'Coca-Cola' is what I supply in response to such demand. I have never had it rejected as not what was asked for. I would say that about twenty-five per cent. of the people call it 'coke.' I have known 'coke' to be applied as a nickname for 'Coca-Cola' ever since I have been serving it, which 796 was fifteen years. * * * I generally call for 'coke' myself. When I go to my own fountain I say, 'Give me a coke.' ”

D. P. ENGLISH (Rec., 801), drug business, Dallas, Texas:

801 “I have been dispensing 'Coca-Cola' at other places in Dallas before beginning at my present place, and have heard customers calling for it frequently during that time. I know under what different names they call for it; some call for 'coke,' some 'dope,' some call it 'shot in the arm,' and various other names. A good many of

them call for it under the name of 'coke.' I couldn't say exactly how long I had been hearing them call for it as 'coke,' but I should say some six or eight years, probably eight or ten years."

E. EWER (Rec., 807), druggist, Dallas, Texas:

- 808 "Yes, sir; I am around the fountains so that I can hear people when they ask for drinks, I wait on the trade forty per cent. of the time. Yes, sir; I deal in 'Coca-Cola.' Yes, sir; it is a drink that is in demand, very much so. I presume I sell more 'Coca-Cola' than any other one drink. Yes, sir; I know how people ask for it. The majority of them call for 'coke.' I understand when they call for 'coke' that they want 'Coca-Cola,' and I always furnish 'Coca-Cola.' No, sir, I have never had it rejected as not what was asked for. You ask what my opinion is as to whether the word 'coke' is a nickname or short name among the public; I presume it is just a nickname for 'Coca-Cola'—not specially a nickname, either, but just to keep from saying the whole thing, just to shorten the word."

D. R. KEYSER (Rec., 809), manager Stovall Drug Store, Dallas, Texas:

- 809 "Yes, sir, the concerns with which I have been engaged have been dispensing 'Coca-Cola' at the soda fountain. Yes, I have observed the different names under which customers call for it; they call for it under the name 'coke,' 'dope' and 'shot in the arm' and I have had a few of them come up there, personal friends of mine, and say, 'Hit me with one,' in a very few instances. * * * Practically all of my customers call for 'Coca-Cola' as 'coke,' and when they do so I serve the 'Coca-Cola.' "

GEORGE C. KERSHAW (Rec., 811), manager of the Dade Drug Company, Dallas, Texas:

- 811 "You ask if people who desire drinks invariably call it 'Coca-Cola,' or if they make their wants known through other means; they seem to have different slang expressions for it,—sometimes call it 'coke' or 'dope.'
 * * * You ask how long I have known 'coke' to be used as a short name for 'Coca-Cola'; practically ever since I have been around the soda-fountain; namely, for
 812 about ten years. * * * Some people call for 'Coca-Cola,' some people express it as 'coke' and still some others use a worse and more slangy expression—they say 'shot in the arm'—'give me a shot in the arm'—all meaning 'Coca-Cola,' or so taken by me and the soda fountains. No, the name 'Coca-Cola' is not dying out—I guess about half of the people still say 'Coca-Cola.' As I say, about half of the people call for 'Coca-Cola' and about half call for 'coke' and 'dope' and slang expressions meaning 'Coca-Cola.' "

TONY GIARRAPUTA (Rec., 814), Dennison, Texas, in confectionery business thirteen or fourteen, maybe fifteen years:

- 814 "My customers call for it under more than one name; sometimes call it 'coke'—'Give me "coke"'—they come say, 'Give me "dope"' ; sometimes, of course, a new customer he say, 'Give me "shot in the arm,"' and, of course, I know of no such names because it look too bad in business. You ask if many or few call for it under the name of 'coke'; well, of course, in small town, you know, I couldn't say no 'coke,' of course, get many strangers, but my own folks, men come say, 'Give me a "coke"'—they use such language, the language I was speaking about,—it's custom, you might say, family custom by us,

it's like family custom you might say, we do business with every hour, you might say, of course, they are joking, but the name is regular, they say, 'Give me "coke,"' and absolutely they mean 'Coca-Cola'; if you was to try to give him something else they won't stand for it; therefore, I have been in business the time I answered a while ago and I never did have an imitation of 'Coca-Cola,' they been people try to sell to me, but I never did the

819 buying. * * * I believe about ten per cent. of my customers call for 'Coca-Cola' and the balance call for 'coke.' Ninety per cent. call for 'shot in the arm,' 'dope' and 'coke.' You ask if the name 'Coca-Cola' is passing out and if I hear it now as often as I used to; well, they abbreviation a little bit. They abbreviate the name of 'Coca-Cola' a little, yes, sir, exactly, and I suppose the abbreviation is taking the place of the name. Yes, sir; I believe that is the case in Dennison where I live."

W. H. RAMSEY (Rec., 820), drug business, Dennison, Texas:

820 "You ask under what different names my customers call for it at the fountain; they call for 'coke,' 'Coca-Cola,' and 'dope.' I suppose fully two-thirds of them, at least, call for 'Coca-Cola' as 'coke.'"

F. W. HAYLEN (Rec., 821), retail grocery business, Pilot Point, Texas:

"The orders now presented to me marked Plaintiff's Exhibit No. 162, which were identified by the witness Lupton, this morning, were written by me. They were addressed to the Coca-Cola Bottling Works and I was making orders for so many cases of 'coke' in each one. By the use of the word 'coke' I intended the Coca-Cola Bottling Company to understand that I wanted five cases

of bottled 'Coca-Cola.' I presume I have been dealing with the Coca-Cola Bottling Company at Dallas and calling it 'coke,' when I wanted 'Coca-Cola,' about eight years; I called it nothing else except 'Coca-Cola.' I would not use the name 'Coca-Cola' very frequently. I usually wrote these matters hurriedly and abbreviated them and made them as short as possible. You ask if I wrote the word 'coke' then as an abbreviation of 'Coca-Cola'; yes, sir."

J. B. SMITH (Rec., 823), in restaurant, confectionery and cold drink business in Tioga and Pilot Point, Texas:

823 "You ask if I knew what he was ordering when he was ordering 'coke'; he was ordering 'Coca-Cola,'—he might have wrote it 'coke,' but he was ordering 'Coca-Cola.'

825 * * * At Pilot Point we are carrying on a soft drink business; we sell milk shakes, 'Coca-Cola,'—signs in the house say 'Coca-Cola Bottling Works; call for it by the right name,' but nearly every one says, 'Give me a "coke,"' and it's branded on the bottles; there is supposed to be about half of them say, 'Give me a bottle of "coke." ' No, sir, they do not call it 'dope,' they just say 'coke.' Nobody out in the country has ever called it 'dope' to me. At Tioga I have had them say, 'Give me a shot in the arm'—they mean 'Coca-Cola,' though, of course."

PETER CAMARINOS (Rec., 827), confectioner at McKinney, Texas:

827 "You ask if I know how people ask for it when they cate to me that they desire the product of the Coca-Cola 'coke,' 'dope,' 'shot in the arm,' 'hop,' sometimes. I understand by requests for any of those things that they want 'Coca-Cola.' "

T. J. BRITTON (Rec., 829), retail drug business, Dallas, Texas:

- 829 "You ask how people who come to my fountain indicate to me that they desire the product of the 'Coca-Cola' Company; well, I should judge that about fifty per cent. of them call it 'Coca-Cola,' the balance of them call it 'coke' and 'dope'—'coke' and 'dope' are the principal names. When a man asks at my fountain for 'coke' or 'dope' I understand that he means 'Coca-Cola' and I always supply 'Coca-Cola' in response to such a request. I have never had it rejected as not what was asked for. I don't know how long 'coke' and 'dope' has been used as designations of 'Coca-Cola'—oh, in the last six or seven years, I judge, maybe longer, I don't know. Yes, sir, I have known the name 'coke' as a nick-
830 name for 'Coca-Cola' about the same length of time."

B. W. FULLER (Rec., 833), in soda water business. Has been with Vienna Ice Cream Factory, Kirby Drug Company and the Palace Drug Store, Dallas, Texas:

- 833 "My customers buying 'Coca-Cola' call for it as 'coke,' 'Coca-Cola,' 'dope' and 'shot.' About nine out of each ten call for it under the name of 'coke.' "

EDWARD T. LANGAN (Rec., 894), 55 East Congress street, Chicago. Has been in drug business; worked for A. W. Adamick, Chicago Avenue and Clark street as drug clerk; connected with Auditorium Pharmacy for a year; has sold "Coca-Cola" for the last twelve years:

- 894 "When people order 'Coca-Cola' they use various names to indicate their desire. Take it as a rule, a
895 stranger coming in that you do not know will ask for 'Coca-Cola,' but a regular customer coming in, they get

in the habit of talking to you and kidding you and they ask for, oh, lots of things, like 'dope,' 'shot in the arm,' and 'coke.' When a man asks at any of the fountains with which I have been connected for 'coke' I understand that he means 'Coca-Cola.' I could not say that I have ever made any inquiries of people asking for 'coke' as to what they mean because I always repeat 'Coca-Cola?' and they always say, 'yes,' and when a man asks for 'dope' or 'shot' or anything like that, I turn around and ask them every time whether they mean 'Coca-Cola' and they say, 'yes.' Ever since I have been in the business, about twelve years, a few would come in and ask for 'coke.' * * * They also use, the expression around
897 Chicago, 'dope,' meaning 'Coca-Cola.' * * * I said
899 on direct examination that frequently when a man would come into my fountain and ask for 'dope' I would say in-
900 quiringly, 'Coca-Cola'? and I have never had anybody in response to that inquiry say that 'Coca-Cola' was not what he meant when he asked for 'dope.' No, sir; I have not any doubt from my experience what a person meant when he came to a soda fountain and asked for a drink under the name of 'dope.' He meant 'Coca-Cola.' "

ADMISSIONS OF THE KOKE COMPANIES' WITNESSES.

It is clear from the admissions made by the witnesses called by the **Koke Companies** that the words **Koke** and **Dope** are generally used nicknames for **Coca-Cola**. The following are quotations from the testimony:

WILLIAM F. DAVIS, of Davis-Fuston Drug Company, Nashville, Tennessee, testified as follows:

1107 "I think 'dope' is a nickname used for the 'Coca-Cola' drink more than any specific name, probably."

JOHN D. FLETCHER, manufacturer of carbonating syrup, Nashville, Tennessee, testified:

1099 "This was part of my answer and I swore to it. 'Defendant avers and says that shortly after the preparation of Coca-Cola syrup and extract was put upon the market by J. S. Pemberton, for brevity's sake, the words Coca-Cola syrup and extract were contracted by the users and consumers of it, first, to the words "Coca-Cola" then, to the words "Coke" or "Koke," and finally, the product of J. S. Pemberton was styled "Dope," the consumers throughout the country believing the preparation or beverage to contain cocaine, the word "Dope" denoting to the layman generally cocaine.' "

This carries the date of the use of these nicknames for Coca-Cola as far back as 1887. Pemberton died in 1888. (Rec., 1590.)

A. W. STANLEY, in the hotel business at Chattanooga, Tenn., testifies:

1005 "If he would say a dope, of course, before Koke or any other drink was introduced, come in, and we only had

Coca-Cola, I would understand he wanted Coca-Cola. Lots of fellows would come in and say, 'Give me a dope.' I would say, 'What kind of dope do you want?' and he would say, 'Give me Coca-Cola, or give me something else.' You know sometimes they call Coca-Cola dope, you know how these fellows are."

BURTON JONES, in drug business at St. Elmo, Tennessee, testified:

- 1006 "I have had calls for dope at my establishment, when a customer asks for dope, he wants a cola drink of some kind. There are so many substitutes on the market, they might want a cola drink. I do not know about that, I would not say positively they would want a cola drink, or want one of the same articles. I would not say what he would want. * * * When customers come to my store and ask for 'a dope,' we serve Coca-Cola. * * *
- 1011 When a man came into our place of business and asked for a Koke or a Dope prior to the three years we handled Tru-Cola, we would give him Coca-Cola to drink, and when we put that Tru-Cola in, when he called for a dope or such as that, we gave him this Tru-Cola. Prior to that time I was new in the business and understood that he wanted Coca-Cola. * * * Up to the time we put in
- 1012 Tru-Cola when people asked for a koke or a dope, they wanted a cola drink. I suppose Coca-Cola. * * * Up
- 1013 to the time we put in Tru-Cola we served Coca-Cola for koke or dope, that is what we understood it to be. * * * At first when handling Coca-Cola, if men asked for a koke or a dope I gave them Coca-Cola and after I put in Tru-Cola and a man asked for Koke or Dope, I gave him Tru-Cola. I changed because there was fifty cents difference in the price of the syrup."

R. K. SMITH, first soda clerk with the United Cigar Store Company at Nashville, Tenn., testified:

1187 "We have people come into our fountain and ask
for Koke and Dope. If it should be a regular customer
that I have been in the habit of serving at all times and
know what he drinks, I give him Coca-Cola if that is what
he drinks, otherwise if he asks for Koke or Dope, I ask
if he wants Coca-Cola. * * * A lot of people call
1188 that meaning Coca-Cola when they say Dope. * * *
I have had people come in and ask for Dope and
then laugh and say give me a Coca-Cola. * * * There
1190 is no doubt there are men who mean Coca-Cola and ask
for it under the name of Dope; use Dope as a nickname
for Coca-Cola, and the word Koke too; they use that for
a nickname for Coca-Cola. That has been so for some-
time in the south. * * * I remember an occasion where
1189 I called in and asked for a Dope, at Harrison, Tenn.,
and getting a drink. That has been seven or eight years
ago that I was out driving with a friend of mine and
asked for a Dope, and got a bottle of dope from a little
country store. I drank it; it tasted very similar to Coca-
Cola. It was labeled Dope. * * * That circumstance
1190 I related at Harrison, Tenn., when I asked for Dope I
expected to get a Coca-Cola. * * * I expected to get
1191 Coca-Cola because I had been there at Chattanooga and
the rest of the boys around, you know, call it Dope, and
had that in my mind when I asked for Dope."

J. G. BOOTH, soda dispenser, in employ of Paul and John Stumb, Nashville, Tenn., testified:

1169 "Customers come into the soda fountain and ask for
a koke or a dope and call for lots of different names, as
Koke, Dope, shot in the arm, shoot me, anything like
that and Coca-Cola. When they ask for these names at

Stumb's I give Coca-Cola, at the other places if they call for Dope there, as well as I can remember I give them something we had in the place of it. Maybe I would always have two pumps if they had anything else like that, and they would tell me if we had calls for Coca-Cola I was to give them Coca-Cola, and if they called for it straight that way, and then if they called for some other name that he would not know for sure whether they wanted the
1170 straight Coca-Cola or some other drink, to shoot one of them to them. That is what they always told me to give. When a customer came into our place of business and asked for a Dope or a Koke I would think he was asking for a Dope or a Koke, there are so many different ones on the market, I would think he was asking for a class of drink instead of some specific drink. If he wanted the original Coca-Cola, if he is that particular about it, he ought to call for it under the real name of Coca-Cola and not a substitute name.

By a substitute name I mean Koke, Dope, shot in the arm."

J. E. DUNN, soda fountain business in employ of Nashville Drug Co., Nashville, Tenn., testified:

1159 "We handled Coca-Cola exclusively. I regard these other cola drinks as imitations used principally as substitutes. At our present store we handle nothing but Coca-Cola and in response to calls for Koke or Dope or a shot in the arm, I serve him with Coca-Cola and understand that is what he means the biggest portion of my time. They use those names as nicknames for genuine Coca-Cola. * * * If a man puts it in his place, and serves it to everybody that comes in, no matter what they call for, it would be a substitute, but if a man puts it in and has Coca-Cola with it, and if a man calls for the sub-

stitute drink give it to him, but unless he calls for the genuine stuff give it to him.

- 1160 If a person asked for a Dope and I gave him this so-called substitute, if he was a stranger to me and I did not have a personal knowledge that he wanted Coca-Cola, I would consider I was giving him what he wanted. You will find the biggest majority of dispensers that are serving two will do that. They give themselves the benefit of the doubt, they don't care so long as they get the drink to him and make more money out of it."

PAUL E. WEBB, soda dispenser. In employ of United Cigar Store Company, Fourth and Union streets, Nashville, Tenn., testified:

"At Smith Brothers in Jackson, when they had only Coca-Cola, I served Coca-Cola when asked for Koke or Dope. * * * Probably at that time I thought he wanted Coca-Cola when he asked for Koke but later on I knew the difference. * * * I was at Henry Sykes in the Stahlman Building and they used two kinds there. They handled Coca-Cola and Dope, they said Dope was anything except Coca-Cola. They made more money on it, and that is the reason why they sold the other for Dope and Koke. When I first started out in the business I understood the names 'Koke' and 'Dope' to be nicknames for Coca-Cola. I understood that they were nicknames of Coca-Cola exclusively, Koke and Dope at first."

GEORGE R. EDMONDSON, a druggist, in Atlanta, Ga., testified:

- 1300 "When asking for a Dope I think they want Coca-Cola. When they ask for Koke I guess they want something, there are so few, I never heard but a few ask for a Koke, and Dope; there are quite a few that call for it. I have

heard those expressions applied to Coca-Cola, that is, Dope, just as far back as I can remember, I guess. Most of them ask for Coca-Cola, or a Cola but a man may come in and say give me a Dope, or a Dope and lime. I have understood always what they meant. * * * The reason
1301 I say that Dope in my opinion means Coca-Cola is that everybody in Atlanta that drinks that want Coca-Cola because there is nothing else sold here except Coca-Cola. You ask a man the second time and he will say Coca-Cola, ninety-nine out of one hundred times, because they do not know anything else."

CHARLES W. BURTON, of Birmingham, testified as follows:

1325 "I have heard people ask for Dope and you would set that out and they would ask for Coca-Cola. The man behind the bar is supposed to give a gentleman just what he asks for. I have heard the public ask for Dope and set it out and they would say: 'I want Coca-Cola.' That is since I have been out of the saloon business for a year and a half, between the intermission of 1908 and 11, I was in the soda-water business in a retail way, before I discovered this, that they would come in and ask for a Dope and they meant Coca-Cola."

A. S. JOSEPH, of Birmingham, testified as follows:

1335 "When a person asked for Dope or Koke, I gave them Coca-Cola."

H. O. ADAMS, of Adamsville, Alabama, testified as follows:

1345 "I never have handled any Coca-Cola. Oh, a long time ago, about twenty years ago I probably handled a few cases. They called that Dope then, yes, sir."

J. L. DRAKE, a soda dispenser for the Nummally Company, 318 Twentieth street, Birmingham, testified as follows:

1403 "I have always served Coca-Cola when Dope is called for. They have several slang words used for calling for these drinks. Some of them say Dope, some say Koke, some say—I don't know what all they don't say, and these slang words, whenever they used them, wherever I have been I served Coca-Cola."

C. N. BAKER, bottler, Newnan, Georgia:

1407 "There is not but very little difference in all these Cola drinks in taste and color, if any. It takes a mighty close expert to tell the difference. I have a boy who can tell the difference, if there is any, but he does not do nothing but mix and bottle and of course he knows when he gets hold of them. * * * The names the purchasers who want to buy a bottle of this stuff, use in asking for it, some will call for a cola, some for a Dope. I have sold a many a one for Dope. I reckon I have sold a fourth of what I put up for Dope and they got to calling it Dope until the Coca-Cola Company got to advertising it on everything, you know, to call it straight Coca-Cola. On this Dope question, you know, they would fool them in it and they are advertising, you will find it now, I expect, around town here where they advertised to call it by name, straight Coca-Cola. About half the men come in now in our town, and get to where they don't hardly call for anything, they go into the box and ease and look like that, and get what they want and pull the stopper off and drink it. I tell my customers around town they don't need to have a clerk to set it out, but all the men could
1408 wait on themselves, but of course when I don't know that you call for anything, well if you come in and ask for a Dope it don't make any difference what you have, you give it to him, I do, always did."

H. M. TODD, Jackson, Mississippi, in the drug business, testified:

1441 "I have heard of these terms Dope and Koke about six or seven years. They apply to Coca-Cola to some extent. They impressed the customers who generally come in and called for Coca-Cola, so much, just like anything else, a nickname, Koke and Dope. I first heard these terms Koke and Dope just after Coca-Cola came out and when people come in and asked for Koke or Dope, as nicknames for Coca-Cola."

ROBERT E. OUSLEY, of Kosciusko, Mississippi, in the drug business, testified as follows:

1449 "I would have thought that Koke or Dope had applied to any Cola drink. I do not know what it meant before I knew of these drinks, that has been so long ago. I expect most of us would naturally infer that they were nicknames for Coca-Cola, of course, I never gave it that kind of thought."

HUGH LEE BOYD, of Kosciusko, Mississippi, engaged in the drug business, testified as follows:

1450 "I am dispensing the Southern Koke Company's Koke or Dope, and Coca-Cola. Customers indicate to me that they want a Cola drink by asking for a Koke, Dope, give me a shot and thinks like that. When customers come in and ask for a Koke, Dope or a shot in the arm, or shot, I do not understand or consider that they are making a definite and specific request on me for Coca-Cola and
1451 nothing else, because some of my customers know what I handle. I do not know how they know I am handling
1455 Dope. * * * When I asked for Koke and Dope I expected to receive a Cola drink. I might have expected to receive a Coca-Cola. I did not know the difference."

H. F. CRISLER, of Jackson, Mississippi, in the drug business, testified as follows:

- 1427 "I have heard the word Dope used quite a long while,
almost ever since I have known Coca-Cola, for that mat-
1435 ter. * * * Coca-Cola is supposed to be made in At-
lanta, Georgia. I mean the one that is advertised, ask
for genuine Coca-Cola if you want it. 'As for the gen-
uine if you want it, nicknames encourage substitution.'
1436 I have seen that advertisement. It naturally wants you
to demand Coca-Cola irrespective of what you might
want. I suppose they are referring to any Cola product.
I judge that they have reference to Dope and Koke."

T. D. CULBERTSON, Dallas, Texas, the Texas Drug Com-
pany:

- 1703 "Mr. Candler did not have any particular objections to
Koke except that it was being sold at the fountains as a
competitor, is all that I know. He regarded it as
a substitute, a familiar nickname for Coca-Cola, and on
the ground that he objected.

Q. And it is a matter of common knowledge, isn't it
in this section of the country that it is a common nick-
name for Coca-Cola?

(Objected to.)

A. Yes, sir."

THE TRADE WITNESSES CALLED BY THE KOKE COMPANIES.

In order to meet the contention of The Coca-Cola Company that Koke and Dope have been and are nicknames, abbreviations and synonyms for Coca-Cola, the Koke Companies called in their behalf a number of witnesses. These witnesses may be classified as follows:

(a)	Saloonkeepers	22
(b)	Grocerymen and restaurant keepers	3
(c)	Druggists	21
(d)	Prescription clerk at drug stores	2
(e)	Manufacturers of imitations of Coca-Cola	3
(f)	Dispensers at soda fountains	11
(g)	Retired manufacturers	2
(h)	Bottlers of imitations of Coca-Cola	3
(i)	Consumers	3
(j)	Wholesalers	1
(k)	Not classified	2

Under classification (a), saloonkeepers, are those connected with the saloon trade.

We find testimony to the effect that the terms Koke and Dope mean any drink similar to Coca-Cola. We further find under this classification, that Coca-Cola was the first drink of this kind and character that was known to this class of dealers, and that when Coca-Cola was handled by them, before other similar drinks came on the market, that Coca-Cola was given in response to orders for Koke and Dope.

We find that as soon as other drinks imitating Coca-Cola came on the market, that this class of dealer put in the imitation, and in most instances, kept Coca-Cola on hand as well.

We further find from this testimony that every other similar commodity on the market is sold to the dealer at a cheaper price than is Coca-Cola. We further find in this trade that it is the bottled product that is sold over

the bar, and that when a person orders a drink, the cap or crown is taken off of the bottle, and as has been shown, all the other drinks are similar in appearance and taste to Coca-Cola. Such is the testimony for example of:

Name of Witness.	Record Page.
J. M. Wheeler	970, 971, 972, 973
E. W. Freeman	975, 977
E. W. Ensinger	984, 985
Joe Quinn	992, 994, 995, 996
R. L. Wayman	1014, 1015, 1016, 1017, 1018
A. S. Joseph	1332
C. G. DeSouchet	1349

We find others who say that they understand the meaning of the terms Dope and Koke in this class of traders to mean any soft drink, no matter whether it be similar to Coca-Cola or not:

Name of Witness.	Record Page.
Tom Collins	989, 990, 991

While on the other hand:

Luke Pogue	1060, 1061
J. C. McDonald	1068, 1069
R. W. Lochrie	1339
W. H. Brandes	1383

testify that the terms Dope and Koke mean any drink resembling Coca-Cola, i. e., they testify that they give any such drink in response to orders for Dope and Koke.

M. J. Costello, Record pages 999, 1000, 1001, 1002, 1003, testified that he understands Koke and Dope as nicknames for drinks similar to Coca-Cola, but he is confused in his testimony. That is to say, he confuses the term Koke with Coca-Cola, for on page 1003 of his testimony he says that bottled Koke costs 70c a case, while on the same page he refers to Coca-Cola as costing 70c a case.

A. W. STANLEY uses Koke as an abbreviation for Coca-Cola. On Record page 1003, we find:

“We handled Maud Muller, Sinalco and used to handle Coca-Cola until we got to handling Koke. Henry Boerger

used to put up a drink I used to handle. They claimed it would take the place of Koke—Coca-Cola, I have forgotten the name of it.”

Again, on page 1004, the same witness testifies:

“I have noticed Coca-Cola barrels sitting out in front of drug stores around town. I used to buy Koke by the barrel, Coca-Cola, I mean.”

And, again, see his testimony, page 1005.

W. F. Strickland testifies on page 1048 that in response to orders for Dope, he gives the first thing he can get hold of in a soft drink box.

On page 1049 he testifies that Koke costs 70c for two dozen bottles and Coca-Cola 70c for two dozen bottles, while on page 1050, he corrects his testimony in regard to Koke and says it was 60c, showing that he was confused in his former testimony between Koke and Coca-Cola and used the word Koke meaning Coca-Cola.

Mat Wilson, on page 1211, gives his reason for his belief that Dope and Koke mean anything, when he tells of his hatred for The Coca-Cola Company, that is, the rumor that The Coca-Cola Company had contributed \$10,000 to the prohibition cause.

C. W. Burton (Rec., 1325) shows that he does not know what the public meant when they asked for “Dope.” Sometimes when people would ask for Dope, he would set out the Koke Companies’ product and then they would say “Coca-Cola.”

It will be noted from the foregoing class of testimony that the majority of the witnesses admit that Koke and Dope mean to them almost anything. They do not know what the public want when they ask for Koke and Dope, or what the public mean. A majority of them confessed that Koke and Dope meant Coca-Cola until cheaper drinks came on the market, establishing thereby that Koke and Dope are generic terms to them for profit only. None of

them pretend to know what the public want, or what the public mean when Koke and Dope are asked for.

The rebuttal testimony of The Coca-Cola Company refers to these trade witnesses. It was impossible to find out or ascertain anything concerning the Class (a) trade witnesses at Chattanooga, because on account of prohibition legislation they closed their places of business before the taking of their testimony.

W. J. Finmin, whose testimony on page 1563 shows the reason he stopped Coca-Cola is on account of the fact that it was higher in price, and on 1563 he used the word Koke and Coca-Cola synonymously.

We now come to Class (b) wholesalers and restaurant keepers:

F. E. Hooper (Rec., 993) testifies that Koke and Dope means anything. He shows what he thought of Koke by his testimony on page 998 of the record, and he says on page 999 of the record: "Coca-Cola is the oldest Dope or Koke I remember."

J. C. Price (Rec., 1205, 1206, 1209) testifies that he had Coca-Cola and another similar drink, and when people came in and asked for Koke, he sold the competing drink, because he felt the customers did not want the genuine, and that in his opinion Koke and Dope mean any drink containing caffeine, and that if he asked for Koke and Dope at a soda fountain, he expected to get a competing drink, if the soda fountain did not handle the genuine, and he says the reasons he gave the competing drink was when he didn't have the genuine was because he could make more money out of it.

H. O. ADAMS, page 1345 of the record, testifies:

"I never have handled any Coca-Cola. Oh, a long time ago, about twenty years ago, I probably handled a few cases. They called that Dope, then, yes, sir."

Class (c) druggists is important because all drug stores have soda fountains:

C. P. Embrey (Rec., 1019, 1020, 1021, 2022, 1023, 1024, 1025, 1026, 1027) is typical of this class. He testified on page 1020:

“When customers call for dope we give them the one we make the most money on.”

And he testifies on page 1022, that at one time he served Coca-Cola exclusively when Dope or Koke were called for, and on page 1023 he shows why he changed to selling another similar product, because he made more profit. And on page 1026 he says:

“I never gave him Coca-Cola because I thought it was more profitable. I quit selling Coca-Cola in response to calls for Dope when these other drinks came out which were cheaper.”

This is typical of most of the druggists that testified in this case for the Koke Companies.

They say now that Dope and Koke do not mean any specific drink, but mean a class of drinks, while their history shows that Coca-Cola was the first drink of this kind they knew. The words Dope and Koke were used at the fountain in asking for drinks. They then served Coca-Cola in response to such requests. The next stage Cheaper drinks, that looked and tasted like Coca-Cola, came on the market. Then of course, they made more profit, found an excuse in these nicknames and served the cheaper drink. The third stage was reached when they actually substituted when Coca-Cola was called for.

C. P. Embrey signed an agreement admitting his substitution. The rebuttal testimony shows that he was and has been a confirmed substituter.

See rebuttal testimony, pages 2244-2245, 2267, and rebuttal exhibits 117, 131, 132 and 133.

Burton Jones (Rec., 1006, 1009-1013) is also typical.

He was asked what did he understand when a person asked for Dope. He says (Rec., 1006) :

"I have had calls for dope at my establishment, when a customer asks for dope, he wants a cola drink of some kind. There are so many substitutes on the market, they might want a cola drink. I do not know about that, I would not say positively they would want a cola drink, or want one of the same articles. I would not say what he would want."

And again he shows about these substitutes, and his understanding of the meaning on pages 1009, 1010. He shows the stages that he had gone through concerning the change of meaning and the reasons for it as does Embrey, pp. 1011-1013: that before the cheaper product came on the market he understood Dope and Koke meant Coca-Cola, and he goes one step further, in which he states that although the proprietor made the change, the public knew nothing of it, p. 1012, and he confesses on page 1009, that he could not tell what the public want when they ask for Koke and Dope, and on page 1011, that up to the time the cheaper product came upon the market, that he understood the terms Koke and Dope to mean Coca-Cola, and the climax is reached on page 1013, where he states that there is 50c difference in the price of the syrups.

Burton Jones signed an agreement admitting substituting. The rebuttal testimony shows that he was and has been a substituter of drinks.

See rebuttal testimony, page 2076, and Rebuttal Exhibit 116.

Max Bloomstein testifies (Rec., 1145, 1146) that Koke and Dope, used as nicknames, designate a class of drinks rather than a specific drink, but on page 1147, he testifies that the terms were applied to Coca-Cola, as it was the first of these drinks, and he shows why he put in the drinks of the Koke Companies on page 1148, and on page

1148, 1149, he shows conclusively in his attempt to find out what consumers meant when they used these terms, and from that testimony on pages 1148, 1149, it is evident that they meant and wanted Coca-Cola, and the climax is reached when this witness on page 1150, when he states that he handled Coca-Cola alone, and on calls for Koke and Dope he gave Coca-Cola. He changed when he put in Star Cola. His reason for the change. It was considerably cheaper.

It is useless to discuss the testimony of J. B. Freed (Rec., 1171 *et seq.*) of Freed & Haas, for by his own testimony he is a confessed substituter, and if he does not prove it by his own admissions, the rebuttal testimony shows it conclusively.

See rebuttal testimony pages 2238-2240, 1994, 2142, 2179, 2186, 2267, and rebuttal exhibits 127, 128, 134 and 135.

J. M. Smith testifies (Rec., 1182, 1183 and 1184) on calls for Koke and Dope he gives Star Cola or Gerst's Cola, and that he understands by the terms Dope and Koke, any kind of drink similar to Coca-Cola, and that Koke and Dope are not specific names for some specific brand of drink, and on page 1186, he shows why he serves the other drinks in response to calls for Koke and Dope. Of course, they cost less than Coca-Cola, and he testifies that the only drink of this kind that is known to the public is Coca-Cola. On page 1185, he testifies that he does not know what they mean or expect to get when asking for Koke or Dope.

T. H. Lever testifies (Rec., 1228-1230, 1237-1239) that customers that know he handles the Koke Companies' product under the name of Dope are acquainted with that special preparation, and they expect to get that when they ask for Dope, and he considers Dope a nickname for just any drink that a customer is acquainted with

and might apply to chocolate, or chocolate milk, or hot chocolate, and it applies mostly to a cola drink, but not necessarily to a special kind. He says further that he is not around the soda fountain a great deal. He shows his reasons on page 1237 of the record when he does not remember the name of the drink he sold in response to orders for Dope. All he remembers is that it was cheaper. A drink without a name. He says that at one time he handled Coca-Cola and that in response to orders for Dope he gave Coca-Cola. Then the cheaper drink came on the market, and then the change of his understanding of the meaning of the term Dope. See, also, p. 1237. And this question of price again arose when he commenced handling the product of the Koke Companies. (Rec., 1240, 1241.) On page 1244, he shows that this was a good way to get rid of the cheaper product, that is, by giving the cheaper product in response to calls for Dope and Koke.

See rebuttal testimony pages 2178, 2194, 2195, 2152.

E. A. Sharp testified (Rec., 1250, 1253, 1254) that Dope and Koke do not mean Coca-Cola exclusively, but he says on page 1253, in response to a question: "In my estimation Dope and Koke were always similar to Coca-Cola, because I remember, it seems to me it has been about 10 or 12 years ago, they used to have a dope on the market just about the same as Coca-Cola."

On 1253, he testifies that he gave any drink except Coca-Cola, when Dope or Koke was called for, and all these drinks looked and tasted like Coca-Cola, and the climax is again reached:

"Did not cost as much as Coca-Cola." It cost him less and he gave the cheaper drinks, and that is the reason why Dope and Koke do not mean Coca-Cola. (Rec., 1253.) On page 1254, he shows that he does not understand nor wish to know what the public want when they ask for

Dope and Koke by testifying that he knows what they get, and all he knew was that he gave a drink that looked like and tasted like Coca-Cola, and was cheaper than Coca-Cola. This man is a confessed substituter.

See rebuttal testimony pages 2236-2238, 2218, and rebuttal exhibits 122 and 123.

George R. Edmonson, page 1300, testifies right out that he understands when people ask for Dope they want Coca-Cola.

R. A. Thorn, page 1423, testifies that he is handling Coca-Cola, and that while he was handling Coca-Cola, and before he handled the cheaper product, when Dope and Koke were asked for he gave Coca-Cola, and he thought the public meant Coca-Cola.

See rebuttal testimony 2226.

H. F. Crisler (Rec., 1426, 1427, 1430) testified that people indicate by asking for Coca-Cola, that they want the genuine Coca-Cola, and if they want some other drink they ask for Koke or Dope, and that he serves in response to orders for Koke and Dope either Ko-Nut or New Orleans Dope. On page 1427, he testifies that before he went into the soda water business he heard the term Dope, heard Dope used quite a long while, "almost ever since I have known Coca-Cola, for that matter."

On page 1430, he says that the reason he knows that Dope does not apply to Coca-Cola is because when his place of business has been out of Dope (the Koke Companies' product) they had to use Coca-Cola exclusively, and people were not satisfied. It must be noted here, that all of the witnesses testify that all of these drinks are similar in taste and color to Coca-Cola.

H. M. Todd (Rec., 1438) testifies that when people ask for Dope or Koke he gives them Dope (the Koke Companies' product). "All we have got," and that is the product made in New Orleans, and before that product

was made, in response to orders for Koke and Dope he gave them Ko-Nut. He becomes confused, as shown by his testimony on page 1441, as follows:

“I have heard of these terms Dope and Koke about six or seven years. They apply to Coca-Cola to some extent. They impressed the customers who generally come in and called for Coca-Cola, so much, just like anything else, a nickname, Koke and Dope. I first heard these terms Koke and Dope just after Coca-Cola came out and when people come in and asked for Koke or Dope, as nicknames for Coca-Cola.”

See rebuttal testimony 2227.

R. E. Ousley (Rec., 1447, 1448) gives his reasons why he first bought the product of the Southern Koke Company, was because serving anything else in response to orders for Dope or Koke, would be an infringement on their names. He also says that it cost a little less than Coca-Cola, and there was more profit in it. He testifies on page 1449 as follows:

“I expect most of us would naturally infer that they were nicknames for Coca-Cola, of course, I never gave it that kind of thought.”

See rebuttal testimony 2227.

H. L. Boyd (Rec., 1450, 1451, 1453) testified that when customers indicate they want a cola drink, “they use the terms, Koke, Dope and things like that,” that he does not consider them definite and specific requests for Coca-Cola, because some of his customers know what he handles, and the only way that people can know what he handles are those that he speaks to. He does not think that Koke and Dope ever meant Coca-Cola exclusively, but he says that he heard of the specific drinks, Koke and Dope only for the last two or three years.

See rebuttal testimony 2228.

J. G. Pyle (Rec., 1720, 1721, 1725, 1726, 1727, 1728)

thinks that Dope and Koke are not nicknames for Coca-Cola, but he is hardly on the stand before he is using Koke and Coca-Cola synonymously. See p. 1721, where he speaks of Mr. Boyd, who is with the Koke Company of Texas as a representative of The Coca-Cola Company, and his attention had to be called to the fact that he was making a mistake. He testified that he first heard the term Koke in 1904, at Albany, Texas. When he asked for Coca-Cola, the dispenser replied that he did not have it but had Koke, which the dispenser said was something similar to Coca-Cola. He confesses that when he was in the soda water business that Koke might have meant Coca-Cola, and that a lot of people mean Coca-Cola when they call for Koke. That Koke is just shortening the name Coca-Cola, and that he handled at his store now only Coca-Cola, and that he gives Coca-Cola in response to calls for Koke. When a man calls for Koke now he does not know whether he means Coca-Cola or the product Koke and before the Koke Company of Texas started in business at Dallas, it is not improbable that they did call Coca-Cola Koke at that time.

See rebuttal testimony 2189.

C. J. Thornton (Rec., 1759, 1780, 1781). It is well to note that a permanent injunction was taken against the Corner Drug Company, of which C. J. Thornton is the proprietor and manager, restraining the substitution of other drinks on calls for Coca-Cola. Of course, it is but natural that a substituter would say that Koke and Dope mean a class of drinks. This is their subterfuge.

See rebuttal testimony 2189, 2190 and Exhibit 45.

A. S. Goody (Rec., 1787) testifies that Dope at soda fountains means anything like Coca-Cola such as Ko-Nut, Afri Cola, Gay Ola. He testifies on page 1790, that when Koke and Dope are called for at his fountain, he gives Coca-Cola, and when asked whether he understood if they

wanted Coca-Cola, he said: "I did not understand it. I did not pay particular attention to it. I just knew they wanted something." Then comes the climax to his testimony that these other drinks, particularly the drink of the Koke Companies, costs less than Coca-Cola. (p. 1791.) He repeats this on page 1792. He confesses that he might get mixed up when Koke is called for and give either Koke or Coca-Cola. On page 1793, he testifies that he does not know what people want when they ask for Dope or Koke, and that he serves the product of the Koke Companies because it is cheaper than Coca-Cola.

J. E. Jones (Rec., 1796) testifies that when the terms Dope or Koke are used, he served Ko-Nut when he handled it. He further testifies on page 1799 that after consulting with his counsel, that Dope and Koke meant Coca-Cola, and that when he sold Ko-Nut in response to calls for Dope and Koke, he understood that it amounted to substitution. He testifies that he handled Coca-Cola at one time exclusively, and that when he handled it exclusively he served Coca-Cola in response to calls for Koke and Dope. (p. 1800.) Then comes the climax to his testimony, and why he changed: because Ko-Nut was cheaper. (p. 1801.) And to the same effect and as to why this change in his method, see page 1801, to wit: more profit. This man confessed his substitution in writing.

See rebuttal testimony 2190 and Exhibit 115.

E. J. Williams (Rec., 1808, 1809, 1812, 1814). This is the same person against whom the court granted a temporary injunction (the Owl Drug Store, E. J. Williams, owner and proprietor), restraining fraudulent substitution of other drinks on calls for Coca-Cola.

See rebuttal testimony 2246-2251 and Exhibit 49.

W. A. Hickman (Rec., 1821) testifies that when Dope or Koke are asked for he just gives them something cold,

and asked did it mean any particular brand or drink, he says: "I do not know. I do not guess it means any particular brand. You take a lot of people, they call most any kind of a drink Dope. Do not know one drink from the other, but want soda water and call it Dope." His reasons for this is that he had asked several people what they wanted when they asked for Koke and Dope, and they replied:

"I do not know."

On page 1824, he testifies that he does not know what a person wants when he calls for Dope or Koke.

Then the climax is reached: products that look like Coca-Cola and taste like Coca-Cola are cheaper.

H. O. Null (Rec., 1062-1064, 1065).

See rebuttal testimony 2166, 2167.

W. F. Davis (Rec., 1101, 1105, 1107, 1108) is a self-confessed substituter.

See rebuttal testimony 2142, 2159, 2180, 2187.

Sumner Fuston, Davis' partner (Rec., 1110, 1112, 1115, 1116), is also a self-confessed substituter. (Record, same as Davis.)

A resume of the testimony under class (c) proves conclusively:

(1) Koke and Dope meant Coca-Cola.

(2) Until products that looked like Coca-Cola and tasted like Coca-Cola came on the market and were cheaper than Coca-Cola.

(3) And then in response to orders for Koke and Dope, these cheaper products were served without any notice to the purchaser. Therefore, the change in meaning was only so far as the dealer was concerned; and

(4) The public knew nothing of the change; and then

(5) Came the substitution of these cheaper products, even when Coca-Cola was called for by its full name.

There are only two witnesses under class (d), C. H.

Jouett (Rec., 1051, 1052), and F. M. Bogart (Rec., 1070, 1071).

Their testimony shows:

That when Dope is called for, it is left to the dispenser as to what kind of a drink is given, although they do not know or care what the public want.

See rebuttal testimony 2243-2245, 2180, 2164, and Exhibits 129, 133.

Class (c). Three manufacturers of drinks similar to Coca-Cola testified in this case:

Adam Diehl, 1082, 1083.

John D. Fletcher, 1089, 1095; and

Lee Hagan, 1291, 1298.

Adam Diehl testifies that his drink, Star Cola, is a well advertised drink, but outside of the City of Nashville, where it is made, he could not name a place where it had been advertised. The rebuttal testimony shows that Star Cola is substituted for Coca-Cola; that it is similar in appearance and taste, and another witness testified, as has been shown, that Star Cola is a substitute for Coca-Cola. Not a piece of advertising is mentioned of Star Cola, except by Diehl, its manufacturer. If ever there was a case of contributory infringement, it is the case of Adam Diehl's drink. Adam Diehl testifies, of course, that Koke and Dope do not mean any specific drink. The reason for his testimony is plain. He could never sell his product except for these nicknames.

John D. Fletcher was the owner of the Nashville Syrup Company at the time the Coca-Cola Company obtained an injunction against that company for using the name Coca-Cola, holding that it was an infringement, and that Coca-Cola was a valid trade-mark. *Coca-Cola Co. v. Nashville Syrup Co.*, 200 Fed., 153, 157; 215 Fed., 527. He testified in the Nashville Syrup Company case that Koke and Dope were names for Coca-Cola. He now testifies that

Koke and Dope mean any similar drink. Fletcher is now manufacturing a drink under an infringing name.

The testimony of Lee Hagan shows conclusively that his products Ko-Nut and Afri Cola were not known, never called for under their own names, both non-advertised, public knows nothing of them, cheaper than Coca-Cola, and that Coca-Cola is, as he expresses it, the father of all these Koke and Dope drinks, and that the advertising of The Coca-Cola Company makes the sale of all of these drinks possible. Koke and Dope is his means of selling his drink.

Very significant is the conversation that took place between this witness and J. C. Mayfield, when immunity from prosecution by the Koke Companies if their claim to the exclusive right to Koke and Dope were sustained, was promised in the event he testified. (Record pages 1297, 1298.

Class (f) comprises dispensers at soda fountains, young men who have just gone into the business. The rebuttal testimony shows that most of them worked at places where products similar to Coca-Cola in taste and appearance was substituted when Coca-Cola was called for. Most of them testify that they do not know what the public means by the word Koke and Dope, but that they follow the instructions of their employers and serve other drinks than Coca-Cola when Kope and Dope are called for, because they are more profitable. The testimony of this class shows conclusively that the reason they do this is that the other drinks are similar to Coca-Cola in appearance and taste that the purchaser cannot tell them from Coca-Cola and that they are cheaper. Some of these witnesses testify that Koke and Dope are nick-names for Coca-Cola. This class is practically the same as class (c).

And these parties in most instances were in the employ of the Class (c) parties.

Name of Witness.	Record Page.
Paul E. Webb,	1119, 1120, 1121, 1122
Brants Darden,	1123, 1124, 1125, 1126, 1127
J. R. Pardue,	1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143
P. E. Johnson,	1151, 1152, 1153, 1156, 1157
J. E. Dunn,	1158, 1159, 1160
W. W. Randolph,	1160, 1161
J. G. Booth,	1169, 1170, 1171
R. K. Smith,	1187, 1188, 1189, 1190, 1191
F. H. Willis,	1191
J. L. Drake,	1402, 1403
E. J. Ople,	1404, 1405, 1406

Of class (g), Retired Manufacturers, there are only two, W. M. Sidebottom (Rec., 1163) and his partner, F. C. Dorider (Rec., 1195, 1196, 1197).

Mr. Sidebottom testified that when Koke or Dope is called for, what is given depends on the humor of the dispenser, but in his own opinion a request for Koke or Dope is not a definite and specific request for Coca-Cola, but a similar drink, and that when he was in business he would give Celery Cola. (Celery Cola is cheaper than Coca-Cola.) That when he was in business, in response to orders for Dope or Koke he served Celery Cola, Coca-Cola and Cola Ade. Mr. Dorider testifies that when people call for Koke or Dope, that if the customer is a Coca-Cola drinker, he would give Coca-Cola, a Celery Cola drinker, Celery Cola, a Cola Ade drinker, Cola Ade, and that he did not consider Koke and Dope meant Coca-Cola unless the customer was a Coca-Cola drinker, and that the terms Koke and Dope apply to anything with Cola as part of the name.

Under class (h), Bottlers of Product Similar to Coca-Cola, there are three who testified:

W. M. Pollock (Rec., 1201, 1202) testified that he had heard the terms Koke and Dope since he remembered a

cola drink and that they mean a cola drink, and that when he uses the terms Koke and Dope, he does not care what one of the Cola drinks he gets. It must be remembered that W. M. Pollock bottles the infringer John D. Fletcher's "Carbonated syrups, a genuine Coca and Cola flavor."

C. N. Baker (Rec., 1407). To appreciate the entire force and effect of the testimony of this witness, would take a careful reading of his entire deposition. Of course, he has never bottled Coca-Cola. He has bottled only imitations and substitutes. He admits that Dope and Koke are nicknames only for the purpose of substitution, for he says on page 1407:

"I reckon I have sold one-fourth of what I put up for Dope, and they got to calling it Dope until The Coca-Cola Company got to advertising it on everything to call it straight Coca-Cola."

Patrick J. Gillian (Rec., 1503) at one time bottled the product of the Southern Koke Company, Ltd., and while he does not say it in so many words, the intimation is by his obtaining a guarantee against loss if he were sued by the Coca-Cola Company concerning his use of Koke, that he considered it a Coca-Cola nickname and wanted to be protected. On page 1504 of the record, he testifies that both Koke and Dope apply to Coca-Cola, also used in place of Coca-Cola.

Class (i). It is significant in this record that the Koke Companies offer no testimony from consumers as to what they mean by Koke and Dope. Three persons were placed on the stand.

W. F. Boylin (Rec., 1072, 1074, 1075) testifies that Koke and Dope are nicknames for cola drinks. He testified that Coca-Cola was on the market 18 years ago, and that possibly he heard the terms Koke and Dope at that time. (Rec., 1074.) He testifies that Koke and Dope may apply

to Coca-Cola, but that when he wants Coca-Cola he calls for it under the name Coca-Cola. Boylin makes the Koke Companies' labels and formerly made Mayfield's.

E. D. Montgomery (Rec., 1356) is an ex-employee of J. C. Mayfield. He testifies positively that when he asks for Koke and Dope, he means any kind of cola drink.

Alphonse Goldsmith (Rec., 1485) is in the advertising business, selling to The Southern Koke Company, Ltd., and he testifies that he had never used the term Koke or Dope before the Southern Koke Company went into the business.

Class (j). There is only one witness under this head, T. D. Culbreath (Rec., 1703), and he admits that it is a matter of common knowledge in the section of the country where he lives (Texas) that Koke is a common and familiar nickname of Coca-Cola.

Class (k). Under this head we have the testimony of J. W. Mayfield, a son of J. C. Mayfield, and W. McCarthy Moore, once an officer of the Southern Koke Company, Ltd., and an incorporator and promoter of several of the others.

J. W. Mayfield (Rec., 1523-1525) testifies that he went out and asked for Koke and Dope, and in response thereto many and several kinds of beverages were served to him. Coca-Cola was not among these, however. This was on his direct testimony.

On his cross-examination it is shown that he got Coca-Cola in response to the requests for Dope and Koke, but he did not produce the Coca-Cola bottles, saying that that was not the kind of evidence that he was after. (Rec., 1549.)

W. McCarty Moore testified that he had heard of Koke (on p. 1752, 1753) before he organized the Southern Koke Company, and (on p. 1756) that the use of the word Koke causes confusion in the trade.

A very telling part of this record is the admission of all of the Koke Companies' witnesses who attempted to testify concerning the asserted descriptiveness and generic character of the words Koke and Dope, that all the drinks named in this case, including the Koke Companies' product, are cheaper in price than Coca-Cola, while resembling it in taste and appearance.

Name of Witness.	Record Page.
M. J. Costello	1001-1003
Burton Jones	1012
R. L. Wayman	1014, 1016
C. P. Embrey	1019, 1022
W. F. Strickland	1048, 1050
Wm. F. Davis	1102, 1107
Brants Darden	1124, 1127
J. G. Booth	1170
J. M. Smith	1186
F. H. Willis	1191
T. H. Lever	1228, 1241
E. A. Sharp	1256
G. G. DeSouchet	1350
Champ Yeargin	1352
Dr. R. A. Thorn	1422, 1423
Robt. E. Ousley	1448
S. T. Mayfield	1474
W. J. Finnin	1563
Dr. J. G. Pyle	1725, 1727
O. T. Maxwell	1736, 1737
C. J. Thornton	1760, 1773
A. S. Goody	1791
J. E. Jones	1800, 1801
E. J. Williams	1814
W. A. Hickman	1824, 1825
J. C. Mayfield, Sr.	1687

A fair resume of the Koke Companies' testimony concerning Koke and Dope shows:

1. That Coca-Cola was the first drink of this kind on the market.

2. Other drinks imitating Coca-Cola in taste and appearance, later came on the market that were cheaper

to the handler while selling to the public at the same price.

3. That at first Koke and Dope meant Coca-Cola exclusively.

4. When the cheaper drinks came on the market, in order to make more profit, the handlers used the Coca-Cola nicknames Koke and Dope as a pretext for getting rid of the cheaper drinks.

5. These cheaper drinks are similar to Coca-Cola in taste and appearance.

6. The public never knew of the change made by the handlers.

7. That the testimony shows that these handlers, wholesalers, retailers, and dispensers, only imagined what the public meant by Koke and Dope, and that imagination was due to more profits.

8. That truly Koke and Dope meant and do now mean, and have always meant, Coca-Cola to the public.

9. That the contention of the Koke Companies is not sustained, that Koke and Dope mean their product. But the contention of The Coca-Cola Company is sustained that Koke and Dope are nicknames, or synonyms, short names or abbreviations for Coca-Cola.

The testimony of the Koke Companies' trade witnesses, the rebuttal testimony of The Coca-Cola Company, and the exhibits, show that at least ninety per cent. of the Koke Companies' trade witnesses are those against whom have been proven cases of fraudulent substitution, some of whom had admitted such practice, against others injunctions have been obtained and others the proof shows beyond doubt that they were guilty of such practice. The Koke Companies could find no other kind of witness by which they could attempt to prove their defense and could only bring before the court those that had been at some prior time proved guilty of trespassing on the rights of The Coca-Cola Company.

.

TABULATION OF EVIDENCE ON NICKNAMES KOKE AND DOPE.

The following is a tabulation of the testimony of trade and other witnesses to the fact that the words Koke and Dope are used as abbreviations or short names for Coca-Cola, and where the witnesses state the length of time during which this has been the fact it appears in the fourth column.

Name of Witness	Record Page	Occupation	How long Dope and Koke have meant Coca-Cola	Territorial Experience
S. C. Dobbs	320, 321	Salesmanager The Coca-Cola Company	10 or 12 yrs.	United States
W. L. Sams	333, 334	Salesman The Coca-Cola Co.	16 yrs.	Ga., Fla., E. Tenn., W. Va. & Md.
Geo. J. Martin	339, 340, 346, 347	Salesman The Coca-Cola Co.	Dope, 15 yrs.; Koke, about 8 yrs.	N. & S. Carolina, Tenn., Ky., Ohio, Mich., Wis. Ind., Ala., Ga. S. C. & Ga.
Oscar C. Hightower	367	Salesman The Coca-Cola Co.		
M. Tomlinson	368	Salesman The Coca-Cola Co.		N. C. & part of Va.
M. L. Ramey	369, 370	Traveling Salesman, The Coca-Cola Co.		Atlanta, E. Tenn., N. Ga. Fla. & S. Ga.
W. H. Troutman	370	Salesman The Coca-Cola Co.		
D. E. Bolton	407	Trade-name Expert (Special Representative The Coca-Cola Co.)	Varying times as shown by statements of various retailers visited.	Ga., S. C., N. C., Va.
T. L. Boswell	421 to 437	Same as D. E. Bolton	Same as D. E. Bolton	Miss., Ala., Fla.
T. M. Murphy	498 to 509	Same as D. E. Bolton	Same as D. E. Bolton	Ky., Ark., Mo.
Sam Friend	836 to 851	Same as D. E. Bolton	Same as D. E. Bolton	Georgia & Tex.
F. C. Peace	683 to 706	Same as D. E. Bolton	Same as D. E. Bolton	Miss., La., Tex.
Philip Jansen	936 et seq.	Special Investigator	Same as D. E. Bolton	Chicago
Nick D. Chotas	448	Dispenser of Soda Water	9 yrs.	Atlanta, Ga.
F. W. Green	451	Druggist	15 to 16 yrs.	Atlanta, Ga., Elwood, Ind.
G. A. Harbour	457	Conducting Soda fount.	5½ yrs.	Atlanta, Ga.
I. L. James	460, 461	Soda fount		Atlanta
Alexander Cruickshank	463, 464	Cigars and soda water	To my certain knowledge 8 yrs.	Atlanta
Chas. Kingsberry	466	Cigars and soda water	About 6 yrs.	Atlanta
F. H. Smith	469	Soda water	8 yrs.	Atlanta
J. D. T. Lawrence	471	Soda water	6 or 7 years anyhow	Atlanta
F. F. Langenfeldt	473	Soda fount	8 yrs.	Atlanta
D. G. Wise	474	Soda fount	12 yrs.	Atlanta
W. R. Stovall	477	Soda business		Atlanta
Chas. Alexiou	478	Soda fount		Atlanta
J. F. Redding	479	Soda fount	Ever since I have dispensed drinks	Atlanta
Chas. B. Giardina	480	Soda fount		Atlanta
W. A. Medlock	482, 483	Soda fount		Atlanta
L. Stephens	484, 485	Soda Dispenser	Few years	Atlanta
George Moore	487, 488	Jobber of Coca-Cola and man't'r ice cream	18 yrs.	Atlanta
Pete Verge	489	Soda water		Atlanta
W. N. Tumlin	491	Soda fount	7 or 8 yrs.	Atlanta
W. A. Hartman	492	Soda water		Atlanta
T. C. Marshall	494	Soda fount	20 yrs. Dope, 10 yrs. Koke	Atlanta
J. B. Pendergrast	496, 497	Druggist	At least 10 yrs. for Dope and about that for Koke	Atlanta

Earl Kimbrough	511	Soda Dispenser		Atlanta
John Mehos	511, 512	Soda fount		Atlanta
Clyde Park	512, 513	Soda fount		Atlanta
A. P. Blatsios	513, 514	Soda business		Atlanta
G. H. Upchurch	522, 523	Soda fount	Fully say 9 or 10 yrs.	Mobile, Ala.
Dave S. Bauer	534	Soda fount	24 yrs.	Mobile
E. R. Albright	545, 548, 549	Soda fount		Mobile
Geo. L. Seibert	552	Soda Dispenser		Mobile
J. W. Graham	557	Employed at Drug Store		Mobile
R. W. Elliott	563	Soda Dispenser	12 or 13 yrs.	Mobile
I. V. Wood	566, 570, 571	Druggist	20 or more odd yrs.	Mobile
G. S. Morse	646	Dispenser		New Orleans
C. G. Peters	654	Druggist	7 or 8 yrs. to the best of his knowledge	New Orleans
P. A. Capdau	665	Owner of Drug Store		New Orleans
O. P. Bland	670	Owner of confectionery stand		New Orleans
H. W. Flowers	676	Dispenser		New Orleans
A. J. Miller	680	Soda fount		New Orleans
E. Schwartzenburg	681	Dispenser		New Orleans
R. W. Brown	682	Soda water		Vicksburg and New Orleans
Cecil V. Rodgers	735, 736	Druggist	Conservatively 15 or 16 yrs.	Dallas, Tex.
Jacob Schrodt	740, 741	Druggist	18 yrs. at least	Dallas
Chas. R. Smith	746	Druggist	12 or 15 yrs.	Dallas
J. W. Arrant	748, 749	Soda Dispenser	For 8 yrs.	Dallas
A. M. Timms	752, 753	Soda Dispenser	12 yrs.	Dallas and New Orleans
James F. Rogers	751	Drug business		Dallas
R. L. Asbell	756, 757	Soda Dispenser		Dallas
D. H. Hardin	759, 760	Soda Dispenser	4 yrs.	Dallas
S. Y. Althoff	761	Mgr. Owl Drug Store	6 yrs.	Dallas
O. M. Brown	764	Dispenser	5 or 6 yrs.	Dallas
T. Q. Martin	765	Proprietor, Soda fount		Dallas
E. B. Thomas	766, 767	Owner of confectionery stand	As far back as he can remember	Dallas
T. C. Lupton	771			
(Written orders abbreviating the name Coca Cola to Koke sent to the Dallas Coca-Cola Bottling Company.)				
C. D. Kingston	790, 791	Druggist	5 or 6 yrs.	Denison, Tex.
F. L. Skillen	792, 793	Druggist	15 yrs.	Dallas
D. P. English	801	Druggist	Possibly 8 or 10 yrs.	Dallas
E. Ewer	808	Drug business		Dallas
Geo. C. Kershaw	811	Confectionery business	15 yrs.	Dallas
Tony Giarraputo	814	Confectionery business		Dallas
W. H. Ramsey	820	Drug business		Denison
F. W. Hayden	821	(Sends in orders to The Coca-Cola Bottling Co., at Dallas, Tex., for Koke.)		
J. B. Smith	823, 825	(Sends in orders for Koke to the Dallas Coca-Cola Bottling Company.)		
Mrs. C. E. Flagg	826	Confectionery and Floral Shop		Dallas, Tex.
Peter Camarinos	827	Soft drinks		McKinney, Tex.
T. J. Britton	829	Retail drug business	May be longer than 7 yrs.	Dallas, Tex.
B. W. Fuller	833	Soda Dispenser		Dallas, Tex.
E. T. Langan	894, 895	Owner of a lunch room	12 yrs.	Chicago, Ill.
T. J. Haizlip		Soft drinks	Since 1893	Sherman, Tex.

TRADE NAME EXPERTS.

In addition to the testimony of trade witnesses who swear that **Koke** is and for many years has been the familiar nickname for **Coca-Cola**, The **Coca-Cola Company** has produced testimony of a different kind to establish this fact. Representatives of The **Coca-Cola Company** were sent to a large number of towns and called at soda fountains for **Coca-Cola**, **Koke** and **Dope** on separate occasions and at the same time observed customers using the same words. In every instance the syrup to make the drinks called for under the names **Coca-Cola**, **Koke** and **Dope** was drawn from one and the same container. The proprietor or dispenser was then interviewed and asked what was meant by **Koke** and **Dope** and in each instance replied that these words were short names for **Coca-Cola**. In many places consumers' tests were made. A consumer's test is conducted in the following way: A representative of the **Coca-Cola Company** stationed himself for a considerable period of time at the fountain, and whenever a purchaser used the name **Koke** or **Dope** the dispenser in the presence of the witness, asked the person using such word what he meant. In every instance the answer was **Coca-Cola**.

Attention is called to the fact that in the tabulation which follows the name "Dope" as a nickname for **Coca-Cola** is more extensively used in the territory east of the Mississippi river than is "Koke," but that west of the Mississippi river "Koke" is the predominant nickname for **Coca-Cola**.

The **Koke Companies** sell the same product under two names "Dope" and "Koke." **Koke** and **Dope** are the identical thing. Mayfield admits this. (Rec., 1687.) East of the Mississippi river, where "**Coca-Cola**" is known by the nickname "Dope," the word "Dope" is used by the

Koke Companies upon the labels on the containers in which their product is sold. West of the Mississippi river, where "Coca-Cola" is known by the nickname "Koke," the Koke Companies' product, which is identical with that sold under the name Dope, is sold exclusively as "Koke."

J. G. Van Winkle, Secretary of Koke Company of Texas (Rec., 1715), says: "The product of the Koke Company of Texas has always been sold under the name of 'Koke,' never under the label 'Dope.' Some of the other Koke Companies use it ('Dope'); that is my understanding."

The following is a tabulation of the expert testimony on nicknames:

THOMAS LESLIE BOSWELL (Rec., 421):

422 Towns visited: Collins, Ellisville, Laurel, Meridian, West Point, Starksville, Macon, Columbus, Okolone, Corinth, Iuca, Ripley, Pontotoc and Oxford, Miss. Montgomery, Tuskegee, Selma, Eufaula, Dothan, Birmingham and Red Bay, Ala. Pensacola, Tallahassee, Lake City, Jacksonville, Palatka, Ocala and Tampa, Florida.

The following is a tabulation of the experience of the witness in asking for "Coca-Cola," "Koke" and "Dope" on separate occasions and his observation of customers using these same words. All were served with drinks made from syrup drawn from one and the same container. (* indicates the container was marked "Coca-Cola.") The first column indicates the page of the record. The second the name of the town. The third the name of the store. The fourth the name of the proprietor or dispenser. The fifth the number of calls for "Coca-Cola" during the witness' observation. The sixth the number of calls for "Dope" during the period of the witness' observation. The seventh the number of calls for "Koke" during the period of the witness' observation.

			Propr. or Dispenser	CC	D	K
424	West Point, Miss.	*P. H. White Drug Co.	242 Jim Figure, d			
		City Hall Drug Store	243 Mr. Turnipseed			
		E. P. Wilson Drug Co.				
	West Point	J. B. Johnson	244 Mr. Tomlinson, d.			
		P. L. Bouchillon	P. L. Bouchillon			
		Barksdale & Bennett Grocery Co.				
	Starksville	*Jackson & Son Drug Co.	J. A. Jackson			
	Starksville	J. A. Clardy	J. A. Clardy	1	2	
	Starksville	J. T. Kirk		1		
	Starksville	*Jas. J. Gill				1
	Starksville	Cox Bros. Grocery	Earl Cox			3
	Macon	*C. L. Ferris Book Store	C. L. Ferris	1	2	
		*Nichols & Dorah Gro. Co.	249 L. T. Dorah			
			J. Q. Nichols			
		Gem Pharmacy	E. E. Hammond, P.			
			T. W. Jackson, Jr., d.			
		*Murphy Drug Store	Ed. M. Murphy, P.			
			S. T. Pennington, d.			
			Henry Pattee, d			
		L. C. Tucker, Grocery	L. C. Tucker			
	Columbus	Johnson & Cain Drug Store	252 E. C. Johnson and 1	0	1	
		Weaver & Harrington	253 W. B. Harrington			
		Street's Drug Store	W. B. Street		2	
		*John R. Laws, Druggist				
		Wilson Drug Store	255 Mr. Wilson			1
	Columbus, Miss.	L. E. Lides Drug Store	L. E. Lides, P.			
		L. E. Mayfield Drug Co.	L. E. Mayfield		1	
	Okolone	Elliott & Bell	Mr. Bell, P.		3	
		L. E. Gast Bros., Gro.	L. E. Gast			
		Bearden & King Drug Store	W. E. Bearden		2	
		Liggen & Bros.	258 R. H. Liggen, P.			
	Corinth	C. A. Turner, Gro.	C. A. Turner, P.	2		
		H. E. Walker	R. C. Battles	4	2	1
		J. M. Mitchell's Pharm.	J. A. Mitchell, P.			
		Henry's Pharmacy	Mr. Henry, P.			
		*MeVay & Co.	R. R. MeVay		2	
		H. M. McAnnis Drug Co.	261 Mr. McAnnis	1	2	
		H. M. Stone's restaurant and bakery	H. M. Stone			
		Corinth Drug Co.	263 H. M. & T. F. Seigman, Ps.			
	Holly Springs	Pure Drug Co.	K. C. Campbell, P.			
			J. L. Alverson, d.			
		D. J. Oliver	D. J. Oliver, P.	2	2	
			265 Joe Howard, d.			
425		L. H. Dancy	L. H. Dancy, P.	1	1	
		W. C. Robinson	266 W. C. Robinson		1	
	Ripley	C. M. Pfyfer & Co.	267 C. M. Pfyfer	1	1	
		R. R. McCord	R. R. McCord	1	1	
	Red Bay, Ala.	Red Bay Drug Co.	J. A. Gray, P.		2	
	Pontotoc, Miss.	Furr & Carter Drug Co.	J. M. Furr and		1	
			R. E. Carter, Ps.			
	Pontotoc	C. D. Mitchell & Co.	271 C. D. Mitchell, P.	1	1	
			B. B. Anderson, Cl.			
			S. V. Pitts.			
			E. C. Nesbitt, d.			

		Prop. or Dispenser	CC	D	K
Oxford	Chilton Drug Store	C. W. Chilton, P.			
	Rowland Drug Store	Herron Rowland, P.			
	Bramlett & Sons	Eugene Bramlett			
Montgomery, Ala.	G.M.Chatfield Drug Co.	G. M. Chatfield	4	2	1
	J. Johnson Moore	Carter Maston, D	2	4	
		J. Johnson Moore, P.			
	May's Bakery and Confectionery	Stewart and Duncan May, Ps.			
	Lyon Head Drug Store	C. T. Ruff, P.		3	1
Tuskegee	L. C. Lewis	Mr. Lewis, P.		2	5
	Hardin Howard Drug Store	Hardin Howard			2
	Johnson Bros. Drug Store	E. D. Johnson, P.			2
Selma	Rockmills Bros.	R. R. Rockmills	6	5	
	G. A. Swift	E. J. Word, d.		1	1
	Tillman Drug Co.	W. P. Cook, Mgr.	3	5	2
Pensacola, Fla.	Central Pharmacy	M. B. Scott, Mgr.		2	
	J. S. Pinkusohn Cigar Stand	R. H. Capers, d. and Mgr.		4	9 1
	Balkcom Drug Co.	B. F. Balkcom, Mgr.	1	4	
Tallahassee	Holmes Drug Co.	J. McNair		2	6
	Hardee-Smith Co.	C. N. Tombs, P. L. K. Cohen			1
		J. Johnson, Clk.			
Lake City	De Soto Drug Co.	M. H. Tibbals, Mgr.			
	C. E. Lewis	C. E. Lewis, P.		1	
	A. R. Wise & Co.	A. R. Wise		1	5
Jacksonville	Dr. William D. Jones Drug Store	Wm. D. Jones, P.			2
	J. Daniel Boone & Co.	L. M. Holmes, Mgr	1	3	
	Clark's Drug Store	E. C. Clark, Mgr.	5	10	
Palatka	City Drug Co.	J. H. Haughton, P.	2		2
	Ray's Confectionery	Jas. Ray, P.		2	
	Smith's Confectionery	L. H. Smith, P.			
Ocala	Gerrig's Drug Store	J. J. Gerrig		4	2
	T. W. Traxler	T. W. Traxler, P.			1
426	Court Pharmacy	J. B. Harrel and H. N. Walters		2	
Tampa	Tibbett's Corner	W. H. Tibbets, P.	4	6	
	Val's Corner	Val. M. Antuomo, P	4	1	
		B. L. Robinson, Mgr.			
	Cotter's Pharmacy	Le Roy Cotter, P.	7	7	
Dothan, Ala.	M. A. Ellison Drug Co.	R. C. Ellison			
	McCullom's Drug Store	N. H. McCullom, P.	2	3	
		D. S. Nash, Pre- scription Clerk			
		Albert Stevenson, disp.			
	Nix Drug Co.	R. Q. Nix, P.		2	3
		1 call for a "Shot"			
Birmingham	Parker Drug Co.	Roy Armstrong, Mgr.		4	8
		Geo. W. Griffith, d.			
	John W. Patton Drug Co.	C. Q. Loyd, Mgr.		1	
	Adam's Pharmacy	A. R. Moody, Mgr.	3	3	
	Proprietors, Managers and Dispensers	Calls for Dope	Calls for Koke	Calls for Coca Cola	Misc. Calls
Towns		150	26	120	1
29	160				
Consumer's Tests					
About 22.					

429 Out of the twenty-two customers' tests, there were 1320 calls for "Coca-Cola," 1639 calls for "Dope," 104 calls for "Koke," 29 miscellaneous calls. In each instance ("Dope" and "Koke" or miscellaneous) the dispenser asked the consumer "Coca-Cola"? or "Do you mean 'Coca-Cola'?" and the customer replied in each instance that only "Coca-Cola" was meant.

426 The following is a tabulation of the witness Boswell's Consumer's Tests at the fountains in the following places during the time specified in the presence of the witness. Every person using the word "Koke" and "Dope" in ordering was asked by the dispenser what he meant and in each instance the answer was "Coca-Cola." The first column indicates the page of the record. The second the name of the town. The third the name of the store. The fourth the number of calls for "Coca-Cola." The fifth the number of calls for "Dope." The sixth the number of calls for "Koke."

			CC	D	K
427	Corinth, Miss.	Dr. M. M. McAnnis' Drug Store	62	103	12
	Holly Springs	D. J. Oliver	27	21	5
	Pontotoc, Miss.	C. D. Mitchell & Co.	37	5	3
	Oxford, Miss.	Chilton Drug Store	46	52	6
	Montgomery, Ala.	276 G. M. Chatfield Drug Co.			
		Disp. Wilkins, Rankin, White, Bradford	51	41	9
	Montgomery, Ala.	J. Johnson Moore:			
		Disp. Wade Pruitt and Carter Masten	41	64	1
	Montgomery, Ala.	May's Bakery and Confectionery (20 min.)	3		1
	Selma, Ala.	Rockmill Bros.	22	20	
		C. H. Hurley			
		J. Eagle			
	Pensacola, Fla.	Central Pharmacy	8	6	3
		Mgr. Mr. Scott			
		Disp. C. E. Bond			
		R. T. Shuttleworth			
		Dixie Golden			
	Tallahassee, Fla.	Holmes Drug Co.	16	27	
		287 Prop. J. E. McNair			
		Disp. J. C. Savage			
		J. R. Hartsfield			
	Lake City, Fla.	A. R. Wise & Co.	10	14	4
		Disp. J. L. Reims			
		Wilbur Townsend			
	Jacksonville, Fla.	Clark's Drug Store	178	139	6
		E. C. Clark, Mgr.			
		Disp.: R. H. Holmes			
		Wm. Holmes			
		R. Scott			
		H. T. Stone			

Palatka, Fla.		City Drug Co.	5	11	
		Prop. J. H. Haughton			
		Disp.: R. B. Holden			
		N. O. Riles			
		Pelton Wilkerson			
Ocala, Fla.		Court Pharmacy	22	32	3
	302	Prop. J. B. Harrell			
		Disp.: J. W. Dewey			
		Bedford Caldwell			
		Sam Burford			
428 Tampa, Fla.		Cotter's Pharmacy	107	142	3
	304	Prop. Le Roy Cotter			
		Disp.: Harry B. Davis			
		H. C. Brannan			
		B. C. Knight			
		Roy Hanter			
		Carter C. Loyd			
Dothan, Ala.		Nix Drug Co.	15	21	
	307	Prop. R. Q. Nix			
		Disp.: O. W. Sagg			
		Harvey Gover			
Birmingham, Ala.		John W. Patton Drug Co.	65	40	3
	309	Mgr. C. A. Loyd			
		Disp.: J. E. Curry			
		Vance Thompson			
		W. D. Calloway			
Birmingham		Adams' Pharmacy	265	425	27
	310	A. R. Moody, Mgr.			
		Disp.: R. T. Wimson			
		R. A. Pruitt			
		H. L. Cage			

(Also 13 calls for "Shot," 2 calls for "Shot-in-the-arm;" 1 call for "Candler's High-Ball;" 2 calls for "One-with and one-without.")

DAVID EMORY BOLTON (Rec., 399) :

400 Towns visited: Augusta, Ga., Aiken, S. C., Blackville, S. C., Barnwell, S. C., Allendale, Denmark, Bamberg, Branchville, Orangeburg, St. Matthews, Columbia, Newberry, Clinton, Laurens, Enoree, Greenwood, Abbeville, Belton, Pelzer, Anderson, Seneca, Westminster, Easley, Greenville, Spartanburg, Gaffney and Blacksburg, S. C. Charlotte, Winston-Salem, Greensboro, N. C. Danville, Va. Raleigh, Wilmington, N. C. Norfolk, Va., Petersburg, Richmond, Alexandria, Lynchburg, Va. Asheville, N. C., Charlottesville, Front Royal, Va., Petersburg, W. Va, Reidsville and Salisbury, N. C.

The following table indicates the places where the witness called for "Coca-Cola," "Koke" and "Dope" on separate occasions and observed customers using these

same words. All were served with drinks made from syrup drawn from one and the same container. (*Indicates that the container was marked "Coca-Cola." (The proprietor and dispenser in each instance was interviewed and stated that "Koke" and "Dope" were understood to mean "Coca-Cola.")

	Town	Store	Prop. or Dispenser
402	Augusta, Ga.	Howard Drug Store No. 1	168 Mr. Howard, Prop.
			169 Earl Cummins, disp.
	Augusta	*Howard Drug Store No. 2	172 Mr. Howard
			172 T. H. Garfield, disp.
	Augusta	T. A. Cardell	170 Mr. Cardell
			170 Nathaniel Fairbrother, disp.
	Augusta	Watson Drug Co.	173 Jacob Watson
			174 F. G. Allen, disp.
	Augusta	The Model Gro. Store	175 Mr. Holmes, Prop.
	Augusta	H. J. Morkwater	Mr. Morkwater
	Aiken, S. C.	Hall's Pharmacy	176 Mr. Henderson, Mgr.
	Aiken	Sanders' Pharmacy	177 Mr. Sanders, Prop.
	Aiken	Mr. Overstreet	Mr. Overstreet, Prop.
	Blackville	Hotel Pharmacy	179 Mr. Wesenger, Mgr. or Prop.
	Blackville	E. D. F. Pharmacy	Mr. Epps, Mgr.
	Barnwell	Deason Drug Co.	O. A. Best, disp.
	Barnwell	F. H. Huggins Drug Store	
	Allendale	Searson's Drug Store	R. B. Searson, Prop.
	Denmark	Denmark Drug Co.	Mr. Willis, Mgr.
	Bamberg	Mack's Drug	Mr. McCracken, Mgr.
	Bamberg	Peoples Drug Co.	Mr. J. T. Kelly, Mgr.
	Branchville	Steadly's Soda Fountain	W. D. Steedly, Prop. and disp.
	Orangeburg	Lowman Drug Co.	W. A. Cherry, Mgr.
	Orangeburg	Doyle Drug Co.	M. S. Williams, Mgr.
	St. Mathews	Fair's Pharmacy	W. W. Fair, Mgr.
	Columbia	Hudkins Drug Co.	Manager or Prop.
	Columbia	Brim & Little Drug Co.	Manager or Prop.
	Columbia	Mirt Drug Co.	Manager or Prop.
	Columbia	Pinkussoln Ciger Co.	Manager or Prop.
	Columbia	Taylor Drug Co.	Manager or Prop.
	Columbia	Heywood's Pharmacy	Manager or Prop.
	Newberry	Newberry Drug Co.	W. O. Mills, Mfr.
	Newberry	Gilder & Weeks Drug Co.	C. D. Weeks, Mgr.
	Clinton	Clinton Pharmacy	W. C. Harper, Mgr.
	Clinton	Young's Pharmacy	J. H. Young, Prop.
	Laurens	Ray's Pharmacy	C. K. Ray, Mgr.
	Laurens	Ramsey's Pharmacy	B. F. Ramsey, Prop.
	Enoree	Enoree Drug Co.	M. S. Dantzler, Mgr.
	Greenwood	Oregon Drug Co.	E. L. Morris, Mgr.
	Greenwood	Greenwood Candy Kitchen	Geo. Alexas, Mgr.
	Abbeville	Mulford Drug Co.	C. A. Mulford, Mgr.
403	Abbeville	Abbeville Candy Kitchen	Steve Parthenos, Prop. and Mgr.
	Belton	Donald Wilson Drug Store	G. S. Cuthbert, Mgr.
	Pelzer	Griffin Drug Co.	W. W. Griffin, Mgr.
	Anderson	Red Cross Drug Store	L. W. Seals, Mgr.
	Anderson	Evans Pharmacy	W. N. Webb, Mgr.
	Seneca	Seneca Pharmacy	T. L. Stribbling, Mgr. and Prop.

Westminster	Stoneeypther	J. H. Stoneeypther, Mgr
Easley	R. F. Smith Drug Co.	Wm. Wyatt, Mgr.
Greenville	Armstrong Drug Co.	J. C. Armstrong, Mgr.
Greenville	Doster-Bruce Drug Co.	O. L. Doster, Mgr.
Greenville	Candyland Ice Cream Parlor	E. S. Bellinger, Mgr.
Greenville	Sloan Drug Co.	Thomas Sloan, Prop.
Spartanburg	K. W. N. Pharmacy	Thomas H. Leber, Mgr
Spartanburg	Green Drug Co.	J. E. Green, Mgr.
Spartanburg	Acropolis Ice Cream Parlor	Steve Bakades, Mgr.
Spartanburg	Elite Ice Cream Parlor	J. A. Metropolis, Mgr.
Gaffney	Cherokee Drug Co.	J. N. Littlejohn, Mgr.
Gaffney	Gaffney Drug Co.	J. C. Greech, Mgr.
Blacksburg	Cousins Drug Co.	W. G. Cousins, Mgr.
Blacksburg	Iron City Drug Co.	T. S. R. Ward, Prop.
Charlotte, N. C.	Jordan's Drug Store	
Charlotte	Moody Drug Co.	E. J. Caton, Mgr.
Charlotte	Jas. P. Stowe Drug Co.	Jas. P. Stowe, Mgr.
Charlotte	Charlotte Drug Co.	Mr. McLarkin.
		Mr. Bullock, Prop.
Winston-Salem	O. Hanlon's Drug Store	E. W. O. Hanlon, Prop.
Winston-Salem	Thompson Drug Store	P. A. Thompson, Prop.
Winston-Salem	Owens Drug Co.	P. J. Brain, Mgr.
Winston-Salem	Hutchins Drug Co.	R. L. Hutchins, Mgr.
Greensboro	Grissom Drug Co.	E. G. Bowers, Mgr.
Greensboro	Sykes Drug Co.	E. C. Sykes, Mgr.
Greensboro	Greensboro Drug Co.	Wm. Johnson, Mgr.
Greensboro	Conyers & Sykes Drug Co.	R. J. Sykes, Mgr.
Danville, Va.	E. M. Wallace Drug Co.	E. M. Wallace, Prop.
Danville	Danville Drug Co.	Harry W. Thomas, Mgr
Danville	Jacobs Drug Co.	J. D. Pruitt, Prop.
Raleigh, N. C.	Thomas & Son Drug Co.	Wm. G. Thomas
Raleigh	Tucker Bldg. Pharmacy	Gilbert Crabtree, Mgr.
Raleigh	Brantley Drug Co.	J. C. Brantley, Prop.
Raleigh	Wake Drug Co.	J. T. Moore, Mgr.
404	Orton Confectionery Co.	E. Dinos, Prop.
Wilmington	Hieks-Bunting Drug Co.	
Wilmington	Woodall-Sheppard Drug Co.	H. M. Cox, Mgr.
Wilmington	Elvinton Pharmacy	D. A. Elvinton, Owner
Norfolk, Va.	Martin's Pharmacy	
Norfolk	Cummings Confectionery Store	Louis Cummings, Mgr.
Norfolk	Burrow-Martin Drug Co.	J. T. Powell, Mgr.
Norfolk	Truitt's Pharmacy	C. F. Truitt, Prop.
Petersburg	Morrison Drug Co.	J. A. Morrison, Prop.
Petersburg	Harrison Drug Co.	J. B. Harrison, Prop.
Petersburg	Palms Confectionery Co.	W. G. Roberts, Mgr.
Richmond	Muller Drug Co.	T. A. Muller
Richmond	Blair's Drug Store	
Richmond	Crenshaw Cigar Co.	W. D. Crenshaw
Richmond	McKay Cigar Co.	T. R. Ennos, Mgr.
Richmond	Grant Drug Co.	W. S. Cavado, Mgr.
Alexandria	Warfield Drug Co.	Edgar Warfield, Jr., Prop.
Alexandria	Gubson Drug Co.	Richard Gubson
Lynchburg	Boston Confectionery	Lewis Vaynes, Prop.
Lynchburg	Craghill Jones Drug Co.	J. P. Jones, Mgr.
Lynchburg	Lamber's Pharmacy	E. D. Williams, Mgr.
Asheville, N. C.	Globe Cafe & Candy Kitchen	H. C. Theobald, Mgr.
Asheville	Raysor Drug Co.	C. A. Raysor
Asheville	Carmichael Pharmacy	R. C. Hawkins, Mgr.
Asheville	Smith's Drug Co.	Frank Smith, Mgr.
Charlottesville, Va.	Pence & Sterling Drug Co.	R. S. J. Sterling, Mgr.

Charlottesville	Fitzhugh Bros. Drug Co.	J. S. Fitzhugh, Mgr.
Charlottesville	Robert E. Clark Drug Store	Robert Clark, Prop.
Front Royal	Trout & Turner Drug Co.	M. B. Turner, Mgr.
Front Royal	Venable's Drug Store	C. M. Venable, Prop.
Petersburg, W. Va.	Wise Grocery Store	W. C. Wise, Prop.
Petersburg	Judy & Mooman Drug Co.	G. Mooman, Mgr.
Reidsville, N. C.	Tucker Drug Co.	R. H. Tucker, Prop.
Reidsville	Gardner Drug Co.	T. L. Gardner, Prop.
Salisbury	Main Pharmacy	Stamy Carter, Mgr.
Salisbury	Peoples Drug Co.	J. R. Trotter, Mgr.
Salisbury	Smith Drug Co.	Sam Carter, Mgr.

405 At the fountains of the following places, in the presence of the witness, every person using the word "Koke" and "Dope" in ordering drinks was asked by the dispenser what he meant, and in each instance the answer was "Coca-Cola." The first column indicates the page of the record. The second column indicates the name of the town. The third column indicates the name of the fountain. The fourth column indicates the name of the dispenser. The fifth column the number of calls for "Coca-Cola" observed. The sixth column the number of calls for "Dope" observed. The seventh column the number of calls for "Koke" observed.

			CC	D
406	Blackville, S. C.	Hotel Pharmacy	T. D. Box, disp.	8 22
	Barnwell	Deason Drug Store	O. A. Best, disp.	
	Allendale	Searson's Drug Store	F. H. Farmer, disp.	18
	Denmark	Denmark Drug Co.	Willis, Mgr.	6
	Bamberg	Macks Drug Store	Luke Curry, disp.	27
	Orangeburg	Loman Drug Co.	Ed Langley	57
	St. Matthews	Fair's Pharmacy	Dixon Whitstone, disp.	28
	Columbia	Hudgins Drug Store	H. G. Sistrunk, disp.	43
	Columbia	Taylor Drug Co.	J. C. Bruce, disp.	62
	Newberry	Newberry Drug Co.	Dispenser	34
	Clinton		Guy Mayson	33
	Laurens	Ray's Pharmacy	Dispenser	61
	Greenwood	Greenwood Candy Kitchen	Mr. Alexas, Prop. and disp.	47
	Abbeville	Abbeville Candy Kitchen	Steve Parthenos, Prop. and Mgr.	19
	Belton	Donald Wilson Drug Co.	Lewis Cox, disp.	32
	Anderson	Evans Pharmacy	Will Adams	41
	Greenville	Armstrong Drug Co.	J. A. Rebow, disp.	38
	Greenville	Candyland Ice Cream Parlor	Steve Georgon, disp.	51
	Spartanburg	Acropolis Ice Cream Parlor	E. C. Morrow, disp.	22
	Gaffney	Cherokee Drug Co.	Dispenser	27
	Blacksburg	Iron City Drug Co.	Geo. Roberts, disp.	31
	Charlotte, N. C.	Charlotte Drug Co.	J. T. Neighbors, disp.	26
	Winston-Salem	Owens Drug Co.	L. L. Nunn, disp.	17
	Greensboro, N. C.	Conyers & Sykes Drug Co.	K. C. Clendein, disp.	51
	Raleigh	J. C. Brantley Drug Co.	P. D. Gattis, disp.	37
	Danville, Va.	Jacobs Drug Co.	Loyd Bray, disp.	21
	Wilmington, N. C.	Elvington Pharmacy	W. B. Wilson	26

198	Norfolk, Va.	Cummings Confectionery	Chas. Taylor, disp.	18
199	Petersburg	Palm Confectionery Store	W. J. Adams, disp.	12
199	Richmond	Grant Drug Co.	E. M. Farris, disp.	38
200	Alexandria	Gubson Drug Co.	W. L. Arnold, disp.	18
200	Lynchburg	Craghill-Jones	E. E. McDaniel, disp.	12
200	Asheville, N. C.	Carmichael Pharmacy	J. C. Brown, Jr., disp.	18
201	Charlottesville, Va.	Pence & Sterling Drug Co.	W. R. Munday, disp.	12
201	Front Royal	Trout & Turner Drug Co.	L. J. Fristo, disp.	8
201	Reidsville, N. C.	Tucker Drug Co.	J. W. Burrus, disp.	5
202	Salisbury	Main Pharmacy	L. D. Joyner, disp.	9

SAM FRIEND (Rec., 836):

Towns visited: Griffin, Barnesville, Macon, Conyers, Covington, Monroe, Winder, Lawrenceville, Buford, Roswell, Gainesville, Toccoa, Royston, Athens, Elberton, Madison, Greensburg, Washington, Thomson, Warrenton, Milledgeville, Jonesboro, Locust Grove, Stockbridge, McDonough, Jackson, Flovilla, Monticello, Eatonton, Montezuma, Marshallville, Americus, Dawson, Ellaville, Cuthbert, Buena Vista, Albany, Ashburn, Moultrie, Douglas, Fitzgerald, Giolla, Sylvester, Cordele, Ft. Gaines, Blakely, Bainbridge, Adel, Donaldsonville, Thomasville, Pelham, Camilla, Meigs, Quitman, Boston, Valdosta, Waycross, Georgia. Dallas, Houston, San Antonio, New Braunfels, San Marcos, Austin, Taylor, Temple, Belton, Ennis, Corsicana, Texas.

Friend called at the following places for "Coca-Cola," "Koke" and "Dope" on separate occasions and observed customers using the same words. In each instance he and they were served with drinks made from syrup drawn from one and the same container. (*Indicates container was marked "Coca-Cola.")

837 The first column indicates the page of the record. The second the name of the town. The third the name of the store, the fourth the length of time during which the witness stayed about the fountain and observed the calls of customers. The fifth the number of calls for "Coca-Cola." The sixth the number of calls for "Dope." The seventh the number of calls for "Koke" during the period of the witness' observation.

			hr.	min.	CC	D	K
838	Griffin, Ga.	*Brooks County Drug Store	1	25	7	9	
		*Carlisle & Ward		55	5	7	
		Derrick Drug Co.		55	2	6	
		R. N. Mitchell Drug Store		35	6	5	
	Barnesville	J. H. Blackburn	1	10	3	6	
		Barnesville Drug Co.		55	4	5	
		Anderson Drug Co.		50	3	6	
		Barnesville Drug Co.		55	4	3	
		Anderson Drug Co.		35	2	4	
		J. H. Blackburn Drug Co.		40	3	5	
	Macon	Saunders Drug Co.	1	20	5	11	
		Chapman's Drug Store	1	20	5	11	
		Taylor & Bayne Drug Co.	1	15	9	11	
		J. H. Lamar Drug Co.	1	15	5	6	
		Murray & Sparks Drug Co.	1	30	14	5	
		King & Oliphant Drug Co.	1	05	8	8	
		L. C. Small Drug Co.	1	20	5	11	
		Saunders Drug Co.		20	2	2	
		Chapman's Drug Store		15	1	2	
		Taylor & Bayne Drug Co.		20	1	3	
	Conyers	W. H. Lee Drug Co.	1	20	3	6	
		Street's Drug Store		55	3	4	
	Social Circle	Knox Pharmacy	1	25	5	3	
	Covington	Smith's Drug Store	1	20	3	7	
	Covington	City Pharmacy		50	4	12	
		C. C. Brooks	1	25	4	9	
	Monroe	Carmichael Drug Co.	1	30	5	8	
		W. S. Stovall	1	25	4	7	
		Chaffin Drug Co.	1	05	6	7	
	Winder	G. W. De Lapiere & Sons	1	15	4	6	
		J. T. Wages' Drug Store		45	3	7	
		L. E. Herren's Drug Store	1	15	2	6	
839	Lawrenceville	*Ezzard-Montgomery Drug Co.	1		2	5	
		Kelley Drug Co.	1		5	6	
	Buford	Buford Pharmacy	1	10	3	3	
		Prater & Murphy	1	10	3	4	
		J. T. Rowe Drug Co.		50	2	3	
	Roswell	Roswell Drug Co.		55	2	4	
		J. G. Potter Drug Store	1	10	2	3	
	Gainesville	Piedmont Drug Co.	1		3	7	
		Robertson Drug Co.	1	20	3	4	
		Stringer's Ice Cream Parlor	1	15	4	7	
	Toccoa	Barron Bros. Ice Cream Parlor	1		3	4	
		*Peoples Drug Store	1	15	3	5	
	Royston	Ridgeway Drug Co.	1	30	5	5	
		Royston Drug Co.	1	20	4	4	
	Athens	*Poss' Place	1	25	5	10	
		*Bland Bros.	1		2	4	
		*Costa's Place	1	05	7	15	
		*M. & W. Cigar Co.	1	15	5	8	
	Elberton	*Herndon's Drug Store	1	10	4	7	
		*Cleveland Drug Co.	1	05	4	6	
		Rapley & Manley	1	15	4	5	
	Madison	*Atkinson Drug Co.	1	45	5	2	
		*Tunnison's Phar.	1	35	4	5	
	Greensboro	*Rice Drug Co.	1	30	6	4	
		Armour Drug Co.	1	05	4	5	
	Washington	*Moore Bros.	1	30	2	4	
		J. B. Green	2	10	3	6	
	Thomson	A. J. Matthews	1	45	3	4	

		hr.	min.	CC	D	K
840	Warrenton	*Gibson Drug Co.	1	25	4	5
		*Evans Drug Co.	1	30	2	4
		*Baker's Soft Drink Stand	1	35	3	7
	Milledgeville	*Culver & Kidd	1	15	3	6
		Barrett's Drug Store	1	10	2	6
		Ennis Drug Co.	1	30	5	5
	Jonesboro	Cousins Drug Co.		50	2	2
	Locust Grove	Locust Grove Drug Co.		50	2	2
	Stockbridge	Ward Drug Co.	1	45	1	
	McDonough	*McDonough Drug Co.	1	35	3	2
		*Horton Drug Co.	1	25	2	3
	Jackson	*The Owl Drug Co.	1	20	5	4
		*Slaton Drug Co.	1	15	6	5
		Woods & Carmichael Drug Co.	1	15	4	9
	Flovilla	*A. F. White Drug Co.	1	25	4	8
	Monticello	Furse Drug Co.	1	40	6	6
		*Jordan Drug Co.	1	40	5	9
	Eatonton	*Belvin's Drug Store	1		3	3
	Eatonton	*Central Pharmacy	1	20	2	4
		*D. L. Thomas Drug Store	1	05	4	4
	Montezuma	*A. C. Richardson & Son	1	25	3	4
		*Read's Drug Store	1	25	3	6
		Walker Drug Co.	1	15	5	4
	Marshallville	*Boonton's Drug Store	1	30	1	2
	Americus	Howell & Prather	1	30	4	10
		Hook's Drug Store	1	45	5	11
	Dawson	*Tanner Drug Co.	1	15	4	5
		*City Pharmacy	1	25	4	7
		*Dawson Drug Co.	1	20	1	5
	Ellaville	*City Drug Store	1	30	1	1
	Cuthbert	Moore Drug Co.	1	20	3	4
		*Zuber's Soft Drink Stand	1	15	6	11
	Buena Vista	*City Drug Store	1		2	3
	Albany	*Albany Drug Co.	1	20	5	9
		*Royal Ice Cream Parlor	1	15	8	9
		Cash Drug Store	1	15	7	12
		Bell Drug Co.	1	05	7	12
	Ashburn	*Ashburn Drug Co.	1	30	2	6
	Tipton	Mills Drug Co.	1	35	4	7
		*Peoples Ice Cream Parlor	1	25	5	9
		Brooks Drug Store	1	20	3	7
	Moultrie	*Williams Drug Co.	1	25	2	5
	Moultrie	Watson Drug Co.	1	15	2	7
		Hawkins Drug Store	1	05	5	9
	Douglas	Farmer's Drug Store	1	25	3	7
	Douglas	*Sapps Drug Store	1	15	6	6
		*Union Pharmacy	1	30	3	6
	Fitzgerald	*Goodman Drug Co.	1	35	1	4
		*Dixie Pharmacy	1	15	1	6
		National Drug Co.	1	30	3	6
		Adams Candy Kitchen	1	05	1	6
841	Ocilla	City Drug Store		50		2
		Ocilla Pharmacy	1	20	2	6
	Sylvester	Cash Drug Store	1	10	1	3
		*Bell & Lee Drug Co.		55	2	1
	Cordele	*Cash Drug Store	1	35	3	6
		*Williams Drug Co.	1	15	5	9
		*Stead's Drug Store	1	15	3	9
	Ft. Gaines	*People's Drug Store	1	30	3	11
		John Brown's Place	1	20	8	12

		hr.	min.	CC	D	K
Blakely	Morris Drug Co.	50	1	3		
	*Fryer's Pharmacy	50	1	3		
Bainbridge	Oak City Drug Co.	1	35	1	5	
	Bainbridge Pharmacy	1	20	1	4	
	Mills Drug Store		15	7	12	
Adel	Adel Drug Co.	1	30	3	6	
Donaldsonville	Palace Pharmacy	1	15	1	4	
Thomasville	*Peacock & Nash Drug Co.	1	10	3	8	
	City Drug Store	1	05	4	9	
	Ingram Drug Co.	1	25	6	12	
Pelham	Hill & King Pharmacy	1	30	2	6	
	Consolidated Drug Co.		50	2	6	
Camilla, Ga.	Camilla Drug Co.	1		3	2	
	Stripling's Pharmacy		50	4	3	
Meigs	The Rexall Store		45		1	
	Isclar's Pharmacy	1			1	
Quitman	Horn Drug Co.	1	15	2	5	
	*Savoy Soft Drink Stand	1	10	3	8	
	Brooks County Drug Co.	1	20	3	5	
Boston	City Drug Co.	1	15	1	4	
Valdosta	Vinson Drug Co.	1	10	4	8	
	*Ingram Drug Co.	1	15	5	10	
	Dunnaway's Pharmacy	1	35	1	5	
	Barnes Drug Co.	1	15	6	9	
	Mackey Soft Drink Stand	1	10	4	9	
	Bergstrom & Newberg	1		6	10	
Waycross	*Mills Drug Co.	1		5	5	
	*Spear & Register Drug Co.	1	10	3	6	
	Cherokee Pharmacy	1	15	3	4	
Dallas, Tex.	Cecil V. Rogers Drug Store	1	20	8		13
842	*Britton's Drug Store	1	15	11		11
	*Dimitri & Nimieh	1	20	15		24
	*St. George Drug Store	1	15	7		15
	*Southland Pharmacy	1	25	21		39
	Thomas' Candy Kitchen		40	7		11
	Thomas' Candy Kitchen		50	8		14
	Moss' Pharmacy		30	2		5
	Princess Confectionery Store		30	3		
	Marvin's Drug Store		35	5		7
	Tate Drug Store		30	4		2
	Moss' Pharmacy No. 2		30	1		2
	*Ewer Drug Co.		35	1		3
	Hippodrome Confectionery		25	3		4
	*J. A. Skillern & Sons		25	2		5
	Central Drug Store		30	1		1
	*Moore's Commerce Pharmacy		30	2		2
	*Capitol Drug Store		45	2		2
	Bullington Drug Store		30	1		3
	*Treadwell Drug Co.		45	3		2
	Dallas Pharmacy		30	3		1
	*J. A. Skillern & Sons No. 3		30	3		2
	*Oak Cliff Pharmacy		30	2		1
	Furrow Linder		25	1		3
	Red Cross Pharmacy		25	3		1
	Arcade Confectionery		30	1		3
	Texas Cigar Co.		30	4		4
	*Washington Ave. Pharmacy		30	1		2
	Gormick Drug Co.		30	2		3
	J. A. Skillern No. 2		20	2		4
	*Atha's Place		25			2

843

Houston, Tex.

844

	hr.	min.	CC	D	K
Cossu's Place	25		1		3
Sanger Bros.	25		4		8
Craig's Place	20		1		
Imperial Pharmacy	20		1		3
*Rhinelander's Pharmacy	30		2		4
*Allen's Pharmacy	30		2		1
*Stovall's Pharmacy	20		1		3
*Wimans Pharmacy	25		2		1
Grand Ave. Pharmacy	25		2		1
*Cantor's Pharmacy	30		2		2
Second Avenue Pharmacy	30				1
*Smoot & Crow Drug Store	35		1		1
Fair & Park Drug Store	25		1		2
*Guy's Pharmacy No. 2	35		1		2
*McGwier's Pharmacy	25		1		1
*Robertson Drug Co.	25		3		2
Wilson Drug Store	15		1		1
Hindley's Pharmacy	15				1
Bradley's Pharmacy	15		2		3
*Clayton's Pharmacy	20		1		1
*Canter's Drug Store No. 2	20				1
*Kirby's Drug Store	20		1		2
*Green's Drug Store No. 1	20		2		2
*Green's Drug Store No. 2	20		1		1
English Pharmacy	15		2		3
Eagle Pharmacy	20		1		2
McFarland's Drug Store	15		2		2
*Tremont Pharmacy	15		1		2
Justice Pharmacy	15		2		2
Weichsel Pharmacy	20		2		2
High School Drug Store	15		2		2
Medlock's Pharmacy	15		1		1
*Springfield Drug Store	20		2		2
E. J. Rust & Bros.	15				1
*Clark's Pharmacy	15		1		1
Linder's Pharmacy	20				1
Guy's Pharmacy	15		2		2
*Anderson Drug Co.	25		3	1	5
*Woods-Ehrhart Drug Co.	25		2		3
McFarland's Phar.	30		2		2
Bennett's Phar.	30		1		2
*South End Pharmacy	35		1		2
Hoeneke Pharmacy	40		2		2
Hoeneke Pharmacy No. 2	30		1		1
*Anita Pharmacy	30		1		2
Ridley's Pharmacy	30		2		1
*City Drug Store	20		1		2
*Manhattan Confectionery	40		2		2
*Public Drug Store	30		2		4
The Rouse Drug Co.	30		2		6
*Rouse Drug Co. No. 2	25		3		4
Rice Annex Drug Store	25		5		3
Pappas Bros. Confectionery	30		6		10
Burgheim's Phar.	25		2		4
*Hendrix Phar.	20		1		2
*Grasse Drug Co.	35		1		2
Spears Drug Store	25		1		1
*Magnolia Phar.	25		1		2
*Cockrell's Phar.	25		2		3
*Post Office Pharmacy	35		4		2

		hr.	min.	CC	D	K
	*Wicks & Co.	30	2			8
	Olympia Candy Kitchen	30	5			12
	Clay & Gilpin	25	1			2
	*Griffin's Pharmacy	20	1			1
	*Keisling Pharmacy	30	3	1		5
	*Cockrell's Pharmacy	25	1			2
San Antonio	Milburn Bros. Pharmacy	35	2			5
	*Busy Bee Candy Kitchen	25	2	1		5
	Summers Drug Store No. 1	25	3			4
	Summers Drug Store No. 2	25	1	2		3
	*Whisenant Drug Co.	20	6			4
	Burns Drug Store	30	2			4
	*Pfeiffer's Cut-Rate Drug Store	25	2	1		2
	*George Keen's Drug Store	30	5			4
	*Twentieth Century Drug Store	30	0	1		1
	*Kalteyer & Sons	35	1			1
	Taliaferro's Phar.	20	2			3
	*Marshall Johnson's Phar.	30	1			1
	Chapin's Phar.	15	1			1
	Dreiss Drug Store	30	2	1		2
	*Quillian Confectionery	25	4	1		3
	*Palace of Sweets	25	1			1
	Wagner Pharmacy	25	5			3
	*Kalteyer's Pharm.	25	2			2
	*Fisher's Drug Store	30	1			3
	Crutcher-Threadgill Phar.	30	1			1
New Braunfels	*Ritcher's Phar.	30	1			1
	Sippel's Confectionery	45	1			3
	Walter Sippel's Confectionery	30	1			3
845 San Marcos	Story's Confectionery	50	2			2
	Vinson's Pharm.	25	1			2
	McIntyre's Confectionery	30	2			3
Austin	*Van Duris Confectionery	30	2			4
	*Gates & Cornwell Drug Store	35	1			3
	Crescent Confectionery	30	2			5
	Griffith Drug Co.	30	3			4
	Van Smith's Phar.	35	4			6
	*Johnson's Phar.	25	1			2
	Jeff. S. Wimbish Phar.	25	1			1
Taylor	Lyle's Phar.	45	1			2
	*Metropole Confectionery	35	2			2
	Friend's Palace	30	3			3
	*Dalliet's Phar.	30	1			2
Temple	Olympia Confectionery	35	3			6
	Mississippi Dept. Store	45	5			8
	*Power's Drug Store	25	1			2
	*Square Drug Store	25	2			2
	*Zacharias Confectionery	30	5			3
	Willis & McLean	25	2			2
	G. L. Reynolds Drug Store	40	4			7
Belton	Melot Bros.	30	2			4
	Olympia Candy Kitchen	30	2			5
	Head Drug Co.	40	2			2
Ennis	*Castellaw Drug Co.	25	2			4
	*John L. Stevenson Drug Store	20	2			1
	*Ennis Drug Co.	35	2			2
	*Glover & Guthrie Drug Co.	25	1			3
	Hesser's Phar.	25	2			4
	*Cunningham's Confectionery	30	1	1		2

		hr.	min.	CC	D	K
Corsicana	Commercial Drug Store	25		2		2
	Owen Matthews Drug Store	35		1		3
	Harper & Inabnit	30		2		3
	Lawson Colson's Drug Store	30		1		3
	Beaton & Bagby	30		1		2
	*John Merchison	25		2		2
	Fifth Avenue Confectionery	25		1		3

846 At the fountains at the following places, during the time specified, in the presence of the witness, every person using the word "Koke" or "Dope" in ordering was asked by the dispenser what he meant and in each instance the answer was "Coca-Cola."

The first column indicates the page of the record. The second the name of the town. The third the name of the store. The fourth the name of the dispenser. The fifth the length of time during which the test was conducted. The sixth the number of persons calling for "Dope." The seventh the number of persons calling for "Koke" observed.

		Dispenser	hr.	min.	D	K
847	Macon, Ga.	Saunders Drug Co.	Spencer Phillips	7	30	30
	Gainesville	Piedmont Drug Co.	Jones	4	30	15
	Royston	Ridgeway Drug Co.	Bennett	4		11
	Athens	Poss' Place	Smith	5	30	35
	Elberton	Herndon's Drug Store	Maxwell	3	30	16
	Madison	Atkinson Drug Co.	Atkinson	4	30	8
	Greensboro	Rice Drug Co.	Crumley	4	30	10
	Washington	Moore Bros.	Corry	4	30	9
	Thomson	Gibson Drug Co.	Johnson	3	30	10
	Warrenton	Baker's Soft Drink Stand	Mangriner, Jr.	3		8
	Milledgeville	Ennis Drug Co.	Benford	4		14
	McDonough	Horton Drug Co.	Elliot	3		8
	Jackson	Woods & Carmichael Drug Co.	Maddox & Furlow	3		14
	Flovilla	A. F. White Drug Co.	Harding	3	30	15
	Monticello	Jordan Drug Co.	Robinson	3	30	11
	Eatonton	Belvin's Drug Store	Wheeler	2	30	14
	Montezuma	Walker Drug Co.	Walker	3	30	22
	Americus	Hook's Drug Store	Wheeler	4	30	18
	Dawson	Dawson Drug Co.	McDowell	3		9
	Cuthbert	Zuber's Soft Drink Stand	McDaniel	3		14
	Albany	Bell Drug Co.	McDaniel	4		24
	Ashburn	Ashburn Drug Co.	Fairecloth	3	30	17
	Tipton	Brooks Drug Store	Thrasher	3		12
	Moultrie, Ga.	Hawkins Drug Store	Powell	3		17
	Douglas	Union Pharmacy	Coleman	3		12
	Fitzgerald	Adams Candy Kitchen	Adams	3		15

		Dispenser	hr.	min.	D	K
Ocilla	Ocilla Pharmacy	Smith	4		12	
Cordele	Stead's Drug Store	Hughes	3	20	15	
Ft. Gaines	John Brown's Place	Graham	4		30	
Bainbridge	Mills Drug Store	Welch	3	30	20	
Adel	Adel Drug Co.	Gunn	3		11	
Thomasville	Ingram Drug Co.	Pate	4		24	
Pelham	Consolidated Drug Co.	Mitchell	3	35	17	
Camilla	Stripling's Pharm.	Stripling	3		14	
Quitman	Horn Drug Co.	Dobbs	2	45	12	
Valdosta	Bergstrom & Newberg	Pope	3		18	
Wayeross	Cherokee Pharmacy	Sutton	3		14	
Dallas, Texas	Southland Pharmacy	Arrant	6			60
Dallas	St. George Drug Store	McCarty & White	4	15		21
Dallas	Cecil V. Rogers Drug Store	Asbell	4			32
Houston	Rouse Drug Co.	Clark	4			30
Houston	Public Drug Co.	Dent & Englands	3	25		18
Houston	Wicks & Co.	Grenillon	3	30		23
Houston	Keisling Pharmacy	Johnson	3			20
Houston	J. H. Wood's Drug Store	Turner	3	45		15
San Antonio	Summers Drug Co. No. 1	Walker	4		3	42
San Antonio	Quillian Confectionery	Quillian	3			28
San Antonio	Whisenant Drug Co.	Barr	3	10		21
San Antonio	Wagner Drug Store	Sample	3			29
San Antonio	Taliaferro Drug Store	Thurman	3			14
San Antonio	Pfeiffer's Pharmacy	Brass & Pitman	3	30	3	8
Austin	Crescent Confectionery	George	3	30	2	18
Taylor	Dalliet's Pharmacy	Wassinger	4			16
Temple	Willis & McLean	Otto	2	30		17
Ennis	Glover & Guthrie Drug Co.	Rogers	3		1	8
Corsicana	Owen Matthews Drug Store	Croft	2			10
Corsicana	Harper & Inabnit	Martin	2		1	12
Corsicana	Harper & Inabnit	Martin	2			12
Corsicana	Lawson Colson's Drug Store	Griffin	2			17

849 Friend visited 71 towns, heard 997 calls for "Coca-Cola," 533 calls for "Koke," 987 calls for "Dope." Persons calling for "Dope" and "Koke" were served with a drink made from syrup drawn from the same container as those asking for "Coca-Cola."

692 persons asking for "Dope" and 438 for "Koke" were questioned as to what they meant and each replied "Coca-Cola."

FREDERICK CONWAY PEACE. (Rec., 683.)

Towns visited: Hattiesburg, Miss., Biloxi, Miss., Bay St. Louis, Miss., Collins, Miss., Poplarville, La., Ellisville, La., New Orleans, La., Denison, Texas, Sherman, Texas, Van Alstyne, Texas, McKinney, Texas, Cleburne, Texas, Fort Worth, Texas, Dallas, Texas, Oak Cliff, Texas, Arlington, Texas, Grand Prairie, Texas.

684 Peace at the soda fountains in the following places on separate occasions called for Coca-Cola, Koke and Dope and also observed customers using the same words. All were served with drinks made from syrup drawn from one and the same container. (*Indicates that the container was marked "Coca-Cola.")

685	City Drug Store	Hattiesburg, Miss.
	Yellow Pine Drug Store	Hattiesburg
	Fields Drug Co.	Hattiesburg
	Moore Grocery Store	Hattiesburg
	Capdau Drug Co.	New Orleans, La.
	Williams Pharmacy	New Orleans
	Katz & Besthoff	New Orleans
	W. L. Brown Pharmacy	New Orleans
	Peters Pharmacy	New Orleans
	Osenwald & Gross Drug Store	New Orleans
	Kirby Five Cent Store	New Orleans
	Economical Drug Co.	New Orleans
	Louisiana Candy Store	New Orleans
	Cusach's Drug Store	New Orleans
	Katz & Besthoff Store	New Orleans
686	Lopez Confectionery Co.	New Orleans
	F. O. Blaine's Restaurant	New Orleans
	Frank L. Simmons Pharmacy	New Orleans
	Philadelphia Ice Cream Co.	New Orleans
	Power Drug Store	Bay St. Louis, Miss.
	J. A. D'Aquin Drug Co.	Biloxi
	Rush-Grayson Drug Co.	Biloxi
	W. L. Grant Pharmacy	Biloxi
	Porter Pharmacy	Biloxi
	Biloxi News Stand	Biloxi
	Scranton Pharmacy	Pascagoula
	Moore Grocery Store	Pascagoula
	A. E. Voyodzis	Pascagoula
	Pascagoula Pool Room	Pascagoula
	John H. Hill Confectionery Store	Moss Point
	Burnham's Pharmacy	Moss Point
	Southern Paper Co.	Moss Point
	Parlor's Drug Store	Gulf Port
	Day Drug Co.	Gulf Port

	Jones Bros. Drug Store	Gulf Port
	George Lambrakeo's Soda Fountain	Gulf Port
	Stratakos	Gulf Port
	The Imperial Palm Parlor	Gulf Port
	City Drug Store	Lumberton
	T. H. Redmond	Lumberton
	C. Polato Grocery Store	Lumberton
	Poplarville Drug Store	Poplarville
	Collins' Restaurant	Poplarville
	J. W. Bradshaw Grocery Store	Poplarville
	Barry Drug Co.	Columbia
	Barry Bros. Drug Store	Columbia
	Columbia Drug Store	Columbia
687	Walker Bros. Drug Store	Columbia
	Collins' Drug Store	Collins
	Stovall Drug Co.	Collins
	Jones Beacham Restaurant	Collins
	Scott's Restaurant	Hattiesburg
	M. W. Hyde Drug Co.	Ellisville
	E. J. Ward's Pharmacy	Ellisville
	Sam Imbragnlie's	Ellisville
	C. A. Abbey & Son's Grocery Store	Ellisville
	City Drug Store	Laurel
	Hattiesburg Drug Co.	Laurel
	Century Drug Store	Laurel
	Seruggs' Drug Store	Laurel
	T. J. Wallace Drug Co.	Laurel
	Pastime Pool Room	Laurel
	Waldrop's Pharmacy	Meridian
	Renfroe Pharmacy	Meridian
	Ware & Kendall's Pharmacy	Meridian
	C. J. Woodruff Drug Co.	Meridian
	McCorkle Drug Co.	Meridian
	Paragon Pharmacy	Meridian
	Coleman's Pharmacy	Meridian
	Sugerman's Cigar Store	Meridian
	C. Camarinos	Sherman, Tex.
	Palace of Sweets	Sherman
	Carl R. Noll Drug Co.	Sherman
	Craycroft & Stinson	Sherman
	Langford & Keith Drug Store	Sherman
	Watson's	Sherman
	Turner's Pharmacy	Sherman
	W. L. Bidding Drug Co.	Sherman
688	People's Pharmacy	Dennison
	Kingston Drug Co	Dennison
	Frank Maniolas	Dennison
	Reynolds Drug Co.	Dennison
	Cross' Drug Co.	Dennison
	Tony's Palm Garden	Dennison
	Tango	Van Alstyne
	Brown-Baker Drug Store	Van Alstyne
	J. J. Pitts Soda Fountain	Van Alstyne
	City Drug Store	Van Alstyne
	Hughes Restaurant	Van Alstyne
	Alcove Confectionery	McKinney
	Olympia Confectionery Store	McKinney
	Mitchell Drug Store	McKinney
	Smith's Drug Store	McKinney
	Dearmore & Hughes	Van Alstyne

	Hanner Drug Co.	Dennison
	The Tango	Dennison
	Schrodt's Pharmacy	Dallas
	C. R. Smith's Pharmacy	Dallas
	Empire Drug Co.	Dallas
	Palace Drug Store	Dallas
	Oriental Drug Store	Dallas
	T. J. Britton's Pharmacy	Dallas
	Tyler Avenue Pharmacy	Dallas
	Davis Confectionery Store	Dallas
	Bishop Avenue Pharmacy	Dallas
	Crystal Pharmacy	Dallas
	Mallory Drug Store	Dallas
	Titche & Goettinger	Dallas
	Haskell Pharmacy	Dallas
	Blain Marshall Drug Store	Dallas
	Washington Ave. Pharmacy	Dallas
689	Kirby & Blakeney's	Dallas
	Flagg Floral & Confectionery Store	Dallas
	North Dallas Drug Co.	Dallas
	Fairmount Pharmacy	Dallas
	Oak Cliff Pharmacy	Dallas
	Gallett & Compton's Drug Store	Dallas
	McKinney Avenue Drug Store	Dallas
	Littlepage Pharmacy	Dallas
	Highland Park Pharmacy	Dallas
	Magnolia Pharmacy	Dallas
	New York Ice Cream Parlor	Dallas
	Gilliland Pharmacy	Dallas
	Oak Lawn Market & Bakery	Dallas
	Thomas' Confectionery Store	Dallas
	Farrow Linder Phar.	Dallas
	Harper Confectionery Store	Grand Prairie
	Cooper Drug Store	Grand Prairie
	City Drug Store	Grand Prairie
	Harry Harris Drug Co.	Cleburne
	Foster & Fain's Drug Store #2	Cleburne
	C. F. Humphreys	Cleburne
	E. J. Campsey Drug Store	Cleburne
	Foster & Fain's Drug Store #1	Cleburne
	G. E. Mecham	Cleburne
	Cyrus & Cyrus	Cleburne
	Crow & Walker's Drug Store	Cleburne
	M. C. Anderson, 700 Pem. Ave.	Fort Worth
	R. A. Anderson, 706 Main St.	Fort Worth
	Bessie Pharmacy, 1001 Bessie St.	Fort Worth
	Bradford Bros., 3200 F Avenue	Fort Worth
	J. P. Broshear, 1300 Main St.	Fort Worth
	Canton Pharmacy, 515 Main St.	Fort Worth
690	Casey's No. 1, 1314 Terrell St.	Fort Worth
	Casey's No. 2, 2338 Hemphill St.	Fort Worth
	Clardy's Drug Store, 1600 Vickery Blvd.	Fort Worth
	College Avenue Pharmacy, 1730 College St.	Fort Worth
	Corner Drug Store, 1215 Cahoun St.	Fort Worth
	Jack Coulson, 101 North Houston St.	Fort Worth
	Coney & Martin, 810 Main St.	Fort Worth
	Curby's Drug Store, 1407 Main St.	Fort Worth
	Dillin Bros., 300 S. Jennings St.	Fort Worth
	Evans Avenue Pharmacy, 915 Avans Ave.	Fort Worth
	Exchange Drug Store, 107 E. Exchange St.	Fort Worth
	Z. Gaither, 514 S. Main St.	Fort Worth
	George's Pharmacy, 1415 E. Front St.	Fort Worth

	Glenwood Pharmacy, 1421 Bessie St.	Fort Worth
	Grammar Pharmacy, 100 Main St.	Fort Worth
	Hickman & Clark, 1408 N. Main St.	Fort Worth
	Hightower & Harroll Drug Co., 1216 Peach St.,	Fort Worth
	Johnston Drug Co., 801 Houston St.	Fort Worth
	Jones Drug Company, 104 W. Exchange St.	Fort Worth
	Lackey's Pharmacy, 102 W. Front St.	Fort Worth
	R. T. Lee, 1230 Henderson St.	Fort Worth
	Jones Drug Store, 900 Evans St.	Fort Worth
	Lowes Drug Store, 11th & Jennings Sts.	Fort Worth
	Metropolitan, Main St.	Fort Worth
	Magnolia Drug Co., 1231 Hemphill St.	Fort Worth
	R. E. Martin, No. 1, 215 S. Main St.	Fort Worth
	Martin, No. 2, 2001 Vickery Blvd.	Fort Worth
	Model Pharmacy, 1101 College St.	Fort Worth
691	North Fort Worth Drug Co., 101 W. Exchange St.	Fort Worth
	Nowlins Pharmacy, 400 N. Wheeler St.	Fort Worth
	Owl Drug Company, 1312 N. Main St.	Fort Worth
	Pangburns Drug Store, 501 Houston St.	Fort Worth
	Pools Drug Store, 1200 First St.	Fort Worth
	Puckett Drug Co., 1564 W. Magnolia St.	Fort Worth
	Rafferty, F. L., 400 W. Bois d'Arc	Fort Worth
	Rattan Pharmacy, 211 E. 15th St.	Fort Worth
	Reeves Pharmacy, 12th & Jennings Sts.	Fort Worth
	Renfroe Pharmacy, 11th & Main Sts.	Fort Worth
	Renfroe Drug Company, 315 Main St.	Fort Worth
	E. T. Renfroe & Co., 915 Houston St.	Fort Worth
	Renfroe Drug Store, 715 Main St.	Fort Worth
	Smythe Drug Co., 2407 N. Main St.	Fort Worth
	F. J. Stangl Drug Co., 1300 Hemphill St.	Fort Worth
	Temple Drug Company, 403 E. 9th St.	Fort Worth
	10th Ward Drug Co., 2263 Hemphill St.	Fort Worth
	Walkup Drug Co., 1610 Main St.	Fort Worth
	M. D. Wallace, 321 N. Elm St.	Fort Worth
	Webb's Drug Store, 200 Main St.	Fort Worth
	Wilson's Drug Store, 1514-A Main St.	Fort Worth
	Wofford-Powers Drug Co., 813-15 Houston St.	Fort Worth
	Belknap Drug Co., 201 E. Belknap St.	Fort Worth
	Hassell's Drug Co., 504 Main St.	Fort Worth
	J. H. Boord, 1265 Evans St.	Fort Worth
	Montcastle Drug Co., 1231 S. Main St.	Fort Worth
	Transfer Drug Co., 1218 Houston St.	Fort Worth
	Twentieth Ward, 200 N. Main St.	Fort Worth
692	Booth Bros., 807 Houston St.	Fort Worth
	Duehich & Co., 609 Houston St.	Fort Worth
	H. B. Jones Con. Co., 101 Main St.	Fort Worth
	L. M. Mitchell & Co., 911 Main St.	Fort Worth
	Royal Con. Co., 1012 Main St.	Fort Worth
	Tupolis Confectionery Co., 1112 Main St.	Fort Worth
	Lake Como, Lake Como St.	Fort Worth
	Joseph Rocugno Confectionery, 1510 Main St.	Fort Worth
	P. G. Chopmond, S. Jennings St.	Fort Worth
	Kelly Bros., 128 Jennings St.	Fort Worth
	Union Depot Fountain, Union Depot	Fort Worth
	J. E. Brenner, 204 Main St.	Fort Worth
	Club Confectionery, 1600 Back E. Front St.	Fort Worth
	Palace Drug Store	Arlington
	Rexall Drug Store	Arlington
	Corner Drug Store	Arlington

692 The following proprietors or dispensers were interviewed and stated to the witness that Koke and Dope are used by the public as nicknames for Coca-Cola:

693	Ames, Mgr.	City Drug Store	Hattiesburg, Miss.
	Jones, Prop.	Yellow Pine Drug Store	Hattiesburg
	Fields, Prop.	Fields' Drug Store	Hattiesburg
	Edwardson, Prop.	Moore Grocery Store	Hattiesburg
	Capdau, Prop.	Capdau Drug Co.	New Orleans, La.
	Flowers, Dispenser	Williams Pharmacy	New Orleans
	A. A. Kaczovoski, Mgr.		
	Evan Douch, Dispenser	Katz & Besthoff	New Orleans
	F. E. Suter, Mgr.		
	W. L. Brown, Prop.	W. L. Brown Pharmacy	New Orleans
	Charles T. Peters	Peters Pharmacy	New Orleans
	Savaghier, Mgr.	Osenwald & Gross Drug Store	New Orleans
	F. S. Dean, Mgr.	Kirby Five Cent Store	New Orleans
	George F. Moss, Mgr.	Economical Drug Co.	New Orleans
	J. C. Capdenax, Prop.	Louisiana Candy Store	New Orleans
	A. B. Friel, Mgr.	Cusach's Drug Store	New Orleans
694	Fred Schwartzburg, Mgr	Katz & Besthoff	New Orleans
	Lopez Confectioner Co.		New Orleans
	P. O. Blanc, Prop.	P. O. Blanc's Restaurant	New Orleans
	H. S. W. Code, Mgr.	Frank L. Simmons, Pharmacy	New Orleans
	William Rappold, Mgr.	Philadelphia Ice Cream Co.	New Orleans
	L. N. Power, Prop.	Power Drug Store:	Bay St. Louis, Miss
	Chris. Gibbon, dispenser.		
	J. A. D'Aquin, Mgr. and Prop.	J. A. D'Quin Drug Co.	Biloxi
	J. Morris & Catshot, dispensers.		
	Dr. Rush, Prop.	Rush-Grayson Drug Co.	Biloxi
	Grant.	W. L. Grant Pharmacy	Biloxi
	Joseph L. Brenners, Disp.	Porter Pharmacy	Biloxi
	E. Berkley	Biloxi News stand	Biloxi
	Dr. McBay Young, Prop.	Scranton Pharmacy	Pascagoula
	Moore, Mgr.	Moore Grocery Store	Pascagoula
	A. E. Voyodzis, Prop.	A. E. Voyozsis	Pascagoula
	Mike Noinane, Prop.	Pascagoula Pool Room	Pascagoula
	John H. Hill, Prop.	John H. Hill Confectionery Store	Moss Point
	Mr. Burnham	Burnham Pharmacy	Moss Point
	Dr. Sharp, Mgr.	Southern Paper Co.	Moss Point
	J. W. Culver, Mgr.	Parlor's Drug Store	Gulf Port
	J. O. Baker and Lewis Mossino, dispensers		
	Mr. Day, Prop.	Day Drug Co.	Gulf Port
	Dr. H. H. Jones, Mgr.	Jones Bros. Drug Store	Gulf Port
695	George Lambralev's Soda Fountain		Gulf Port
	Lewis Stratakos	Lewis Stratakos	Gulf Port
	W. K. Porter	The Imperial Palm Parlor	Gulf Port
	Dr. T. P. McInnis, Prop.	City Drug Store	Lumberton
	C. Polato	Grocery Store	Lumberton
	Dr. Fred W. Smith, Mgr.	Poplarville Drug Store	Poplarville
	Miss Kate Collins, Prop.	Collins' Restaurant	Poplarville
	Mrs. C. W. Cleghorn, dispenser.		
	J. W. Bradshaw	Grocery Store	Poplarville
	Columbia Drug Store		Columbia
	Barry Drug Co.		Columbia
	Dr. Harris, Mgr.	Barry Bros. Drug Store	Columbia
	Dr. Ratcliff Faraberry, dispenser.		
	Dr. G. H. Wells, Prop.	Walker Bros. Drug Store	Columbia
	O. S. Mayfield, Prop.	Collins Drug Store	Collins
	Dr. Stovall, Prop.	Stovall Drug Co.	Collins
	Mr. Jones	Jones Beacham Restaurant	Collins

	Mr. Scott	Scott's Restaurant	Hattiesburg
	Mr. Hyde	M. W. Hyde Drug Co.	Ellisville
	Dr. Ward	E. J. Ward's Pharmacy	Ellisville
	Sam Imbragnlie	Sam Imbragnlie	Ellisville
	Mr. Abbey	C. A. Abbey & Son	Ellisville
	City Drug Store,		Laurel
	G. W. Nicholson	Hattiesburg Drug Co.	Laurel
	W. S. Ames, Mgr.	Century Drug Store	Laurel
	W. H. Hill, dispenser.		
	Mr. Scruggs	Scrugg's drug store	Laurel
	Mr. Wallace	T. J. Wallace Drug Co.	Laurel
	L. Banker, Mgr.	Pastime Pool Room	Ellisville
696	J. B. Waldrop, Mgr.	Waldrop's Pharmacy	Meridian
	C. W. Harper, C. V.	Cooley and Roy Ray, dispensers	
	Mr. Renfroe, Prop.	Renfroe Pharmacy	Meridian
	J. C. Ware	Ware & Kendall's Pharmacy.	Meridian
	C. J. Woodruff, Prop.	C. J. Woodruff, Drug Co.	Meridian
	Mr. McCorkle, Prop.	McCorkle Drug Co.	Meridian
	Mr. Heiss, Mgr.	Paragon Pharmacy	Meridian
	E. P. Simmon, dispenser		
	Dr. Coleman	Coleman's Pharmacy	Meridian
	V. Knapp, Mgr.	Sugerman's Cigar Store	Meridian.
	Manager	C. Camarinos	Sherman, Texas
	Mr. Plea	Palace of Sweets	Sherman
	Mr. Noll, Prop.	Carl R. Noll Drug Co.	Sherman
	Mr. Stinson	Crayercroft & Stinson	Sherman
	Manager	Langford & Keith's Drug Store	Sherman
	Mr. Watson	Watson's	Sherman
	Dr. Turner	Turner's Pharmacy	Sherman
	W. L. Bidding Drug Co.		Sherman
	Manager	People's Pharmacy	Dennison
	Mr. Kingston	Kingston Drug Co.	Dennison
	Dispenser	Frank Maniolas	Dennison
	Mr. Ramsey, Mgr.	Reynolds Drug Co.	Dennison
	Mr. Cross	Cross' Drug Co.	Dennison
	Tony Giarraputo	Tony's Palm Garden	Dennison
	S. G. Davis, Prop.	Tango	Van Alstyne
	Mr. Brown	Brown-Baker Drug Store	Van Alstyne
	J. J. Pitts, Prop.	J. J. Pitts Soda Fountain	Van Alstyne
	Oliver G. Daring	City Drug Store	Van Alstyne
697	Mr. Hughes, Prop.	Hughes Restaurant	Van Alstyne
	Messrs. Coffee, Props.	Alcove Confectionery	McKinney
	C. Camarinos, Prop.	Olympia Confectionery Store	McKinney
	Mr. Mitchell, Prop.	Mitchell Drug Store	McKinney
	Major Smith	Smith's Drug Store	McKinney
	Dr. Hanner	Hanner Drug Co.	Dennison
	C. H. Hughes	Dearmore & Hughes	Van Alstyne
	Mr. Schrodtt, Prop.	Schrodtt's Pharmacy	Dallas
	E. L. Day, dispenser.		
	C. R. Smith	C. R. Smith's Pharmacy	Dallas
	L. E. Kerr, Mgr.	Empire Drug Co.	Dallas
	Mr. Nosssett, B. W. Fuller	Palace Drug Store	Dallas
	dispensers.		
	R. C. Coppedge, Prop.	Oriental Drug Store	Dallas
	T. J. Britton, Prop.	T. J. Britton's Pharmacy	Dallas
	Jeff Britton, dispenser.		
	B. H. Anderson	Tyler Avenue Pharmacy	Dallas
	Mallory Drug Store		Dallas
	Lewis Davis, Prop.	Davis Confectionery Store	Dallas

	Mr. Littlepage	Bishop Avenue Pharmacy	Dallas
	Harris and Clark, Props.	Crystal Pharmacy	Dallas
	R. H. White, Mgr.	Titche & Goettinger	Dallas
	I. C. Guy	Haskell Pharmacy	Dallas
	Marshall	Blain Marshall Drug Store	Dallas
	Manager	Washington Avenue Phar.	Dallas
	Blackeney	Kirby & Blakeney	Dallas
	Mrs. E. C. Flagg	Flagg Floral & Confectionery Store	Dallas
698	B. C. Camp, Prop.	North Dallas Drug Co.	Dallas
	W. N. Craig	Fairmount Pharmacy	Dallas
	L. O. Donnelly, Mgr.	Oak Cliff Pharmacy	Dallas
	B. B. Brown, Clk.	Gallett & Compton's Drug Store	Dallas
	W. H. Gault, dispenser		
	F. L. Johnson, Mgr.	McKinney Avenue Drug Store	Dallas
	Ernest Dowdy, dispenser		
	T. H. Littlepage, Prop.	Littlepage Pharmacy	Dallas
	W. B. Dougherty, Prop.	Highland Park Pharmacy	Dallas
	J. A. Duncan	Magnolia Pharmacy	Dallas
	Dispenser	New York Ice Cream Parlor	Dallas
	Mr. Gilliland, Prop.	Gilliland Pharmacy	Dallas
	W. T. Coble, Prop.	Oak Lawn Market & Bakery	Dallas
	Mills, Mgr.	Thomas' Confectionery Store	Dallas
	J. E. Blackwell, Mgr.	Farrow-Linder Pharmacy	Dallas
	S. H. Browning and C. A. Reeves, dispensers		
	S. H. Alhoff, Prop.	Owl Drug Store	Dallas
	H. D. Harding, dispenser		
	Mr. & Mrs. Harper	Harper Confectionery Store	Grand Prairie
	Mr. Butcher	City Drug Store	Grand Prairie
	Johnson, Prop.	Cooper Drug Store	Grand Prairie
	Mr. Sykes, Mgr.		
	Harry Harris, Prop.	Harry Harris Drug Co.	Cleburne
	R. C. Johnson, dispenser		
	M. S. Ball, Mgr.	Foster & Fain's Drug Store #2	Cleburne
	G. C. Dorris and W. R. Dalton, dispensers		
699	C. F. Humphreys, Prop.	C. F. Humphreys	Cleburne
	J. M. Williams, dispenser		
	E. J. Campsey	E. J. Campsey Drug Store	Cleburne
	W. B. Featherstone, Jr., A. C. Featherstone		
	E. C. Reeves and	Foster & Fain's Drug Store	Cleburne
	William Binder, dispensers #1		
	F. B. Guard, dispenser	G. E. Mechem	Cleburne
	R. P. Cyrus	Cyrus & Cyrus	Cleburne
	Dr. C. R. Walker	Crow & Walker's Drug Store	Cleburne
	C. D. Williams	Palace Drug Store	Arlington
	Jim Rose	Corner Drug Store	Arlington

At the fountains at the following places, during the time specified, in the presence of the witness, every person using the word Koke or Dope in ordering was asked by the dispenser what he meant and in each instance the answer was Coca-Cola. The first column gives the page of the record. The second the town, the third the name of

the store, the fourth the time during which the test was made, the fifth the number of calls for Coca-Cola, the sixth the number of calls for Koke, the seventh the number of calls for Dope.

				CC	K	D
700	New Orleans, La.	Capdau Drug Co.	8 a. m. to 10 p. m.	113	3	8
	New Orleans, La.	W. L. Brown Co.	all day	38	7	8
	New Orleans, La.	Peters Pharmacy	9 a. m. to 7 p. m.	21		3
	Bay St. Louis, Miss.	Power Drug Store	all day	38		18
	Biloxi, Miss.	J. A. D'Aquin Drug Co.	all day	19	6	28
	Gulf Port, Miss.	Parlor's Drug Store	8.30-8 p. m.	35	1	101
	Columbia, Miss.	Barry Bros. Drug Store	4.40 p. m. 9.30 p. m.	11		23
	Laurel, Miss.	Century Drug Store	8.20 a. m. 12 m.	24		33
	Laurel, Miss.	Scrugg's Drug Store	2 hrs.	11		9
	Meridian, Miss.	Waldrop's Pharmacy	8 a. m.-7.30 p. m.	105		215
	Sherman, Texas	Carl R. Noll		7	36	
	Dennison, Texas	C. D. Kingston's Drug Store	2.30 p.m. 8 p.m.	11	41	
	Dallas, Texas	Oriental Drug Co.	10 a.m.-5 p.m.	9	47	
	Dallas, Texas	Palace Drug Store	7 p.m.-10 p.m.	5	14	
	Dallas, Texas	Schrodt's Drug Store	7.25 a.m.-8.30 a.m.	5	9	1
	Dallas, Texas	Britton's Phar.	8.45-11.15 a.m.	14	28	3
	Dallas, Texas	Thomas' Confectionery Store	8.15 a.m.-12 m.	22	40	
	Dallas, Texas	Olympia Confectionery Store	1.15-5.50 p.m.	22	17	
	Dallas, Texas	Farrow-Linder Phar.	7.10 to 10.25 p.m.	9	9	
	Dallas, Texas	Owl Drug Store	7.30 to 11.35 a.m.	9	28	

T. M. MURPHY (Rec., 498):

499 Towns visited: Summerset, Ky., Lexington, Ky., Louisville, Ky., Bowling Green, Ky., Owensboro, Ky., Helena, Ark., Little Rock, Ark., Texarkana, Ark., Camden, Ark., Pine Bluff, Ark., Brinkley, Ark., Newport, Ark., Walnut Ridge, Ark., and Pocahontas, Ark., Poplar Bluff, Mo., Sykeston, Mo., and Cape Girardeau, Mo.

501 At the following places, the witness on separate occasions, called for Coca-Cola, Koke and Dope. In every case the syrup was drawn from the same container.

	Town	Store
499	Summerset, Ky.	Kelsey Drug Co.
	Summerset	Palace of Sweets
	Lexington	C. A. Johns Drug Store
	Lexington	Smith's Drug Store
	Lexington	Jones Drug Co.
	Lexington	McAdams & Morford, Druggists
	Lexington	Thompson Drug Co.
	Lexington	Lexington Drug Co.
	Lexington	William Stagg, Druggist
	Louisville	Burnyers Brothers
	Louisville	Southern Catering Co.
	Louisville	T. P. Taylor & Co.
	Louisville	Newman Drug Co.
	Louisville	J. B. Baird, Druggist
	Louisville	H. O. Hurley, Druggist
	Louisville	Kline & Sons, Confectionery
	Bowling Green	Callis Brothers
	Bowling Green	J. E. Tyler
500	Owensboro	Weldon Drug Co.
	Owensboro	Public Drug Co.
	Owensboro	Readman's Pharmacy
	Helena, Ark.	Myers Drug Co.
	Helena	Palace Drug Co.
	Helena	Govan-King Drug Co.
	Little Rock	Snodgrass-Bray Drug Co.
	Little Rock	Read-Stahei Drug Co.
	Little Rock	State Drug Store
	Little Rock	Pittman Drug Co.
	Little Rock	Perins Drug Co.
	Texarkana	Evanson Drug Co.
	Texarkana	Boyd Drug Co.
	Camden	Arthur Levy, Druggist
	Camden	Morgan Drug Co.
	Pine Bluff	Seal's Pharmacy
	Pine Bluff	Rosenburg's Pharmacy
	Pine Bluff	Bedell's Pharmacy
	Brinkley	Dutton Drug Co.
	Brinkley	W. K. Sims Drug Co.
	Newport	Bevans Drug Co.
	Newport	Walker Drug Co.
	Walnut Ridge	Moses Cooper's Place
	Walnut Ridge	Bob Cooper's
	Pocahontas	Brinkley Drug Co.
	Pocahontas	Layman Drug Co.
	Pocahontas	Palace Drug Co.
	Poplar Bluff, Mo.	Patton & Farr Pharmacy
	Poplar Bluff	Gliddens Candy Kitchen
	Sykeston, Mo.	J. A. Poindexter
	Sykeston	Derris Drug Store
	Cape Girardeau	St. Charles Pharmacy
	Cape Girardeau	Dalton Drug Co.
	Cape Girardeau	A. B. Miller's Confectionery & Drug Co.

Witness then interviewed the proprietor or dispenser at each of the above listed places who stated that Koke and Dope meant Coca-Cola.

This witness' testimony can be summarized as follows:

Number of towns visited, 77; number of proprietors, managers and dispensers interviewed, 102; number of consumers' tests made, 26.

In these consumers' tests there were 519 calls for Coca-Cola, 98 calls for Dope and 302 calls for Koke. In every instance the syrup to make the drinks called for, as Coca-Cola, Koke and Dope was taken from one and the same container.

Each consumer who used the words "Koke" or "Dope," was by the dispenser, in the presence and hearing of the witness, asked what he meant, the reply invariably was Coca-Cola.

SCHEDULE III.

That the red color of the Coca-Cola barrel is distinctive and a means by which Coca-Cola is identified is clear from the testimony. The following are extracts from the record which establish this fact:

F. L. SKILLEN (Rec., 792), druggist, Dallas, Texas:

794 "We took over the Browder Pharmacy from the U. S. Court. Yes, sir; we found among the assets what we supposed was 'Coca-Cola.' There was a barrel which we supposed was 'Coca-Cola' and I inquired of the sodaman if he had any 'Coca-Cola' on hand and he said, yes, about ten or fifteen gallons. I passed in the back room and saw a red barrel sitting there and passed on out and we served all of that. Yes, sir; we served it as 'Coca-Cola.' You ask what made me think it was 'Coca-Cola'; why, I suppose it was innocence more than anything else, we don't serve anything else but 'Coca-Cola' and didn't suppose anybody else did. I asked him did he have any 'Coca-Cola' on hand and he said yes. You ask if the color had anything to do with it; yes, it was red and I supposed it was 'Coca-Cola.' You again ask if the color of the barrel had anything to do with it; yes, the color was the 'Coca-Cola' color. When that was sold and we ordered a barrel of 'Coca-Cola' delivered to us to the store the salesman from the jobbers said they hadn't been handling 'Coca-Cola' over there and
795 then I told him it must not have been 'Coca-Cola' that we had and then I asked the sodaman about it and he said it was not; and we had an employee at that time, who had formerly been with Mr. Browder, by the name of Mr. Sam Weir, and I asked Sam if that was 'Coca-Cola' and he said, 'No.' * * * I took over that store April

11th, I believe, 1912. The conclusion that we arrived at was that it was a store that had been selling 'Koke.'

799 * * * You ask if I got any complaints from the drinkers at the fountain that it was not 'Coca-Cola'; it is so far back that if there had been any complaints I wouldn't have known anything about it, but I sold it laboring under the impression that it was 'Coca-Cola.' * * * I couldn't say how it differed from the 'Coca-Cola' barrel. I never saw the barrel but once and I just glanced at it. Yes, sir; I have seen other 'Coca-Cola' barrels and I didn't notice any distinction between this barrel and other 'Coca-Cola' barrels, it was painted red."

GEORGE ALFRED HARBOUR (Rec., 456), Atlanta, Georgia; proprietor of Harbour's Smoke House; been conducting a soda fountain five years and a half:

458 " 'Coca-Cola' kegs have an individuality about them that is easily distinguishable from any other drink, anything that I have ever bought, and when I see them setting out there on the street I know it is a 'Coca-Cola' keg."

I. L. JAMES (Rec., 460), Atlanta, Georgia; drug business:

460 "No, if I should order 'Coca-Cola' and a white barrel should be shipped to my place I would not think it was 'Coca-Cola.' "

ALEXANDER CRUICKSHANK (Rec., 463), Atlanta, Ga.; cigars and soda water, five stores:

464 "I can mighty near tell a 'Coca-Cola' keg when I see it. I can sight one on the wagon; I know it is 'Coca-Cola.' The thing about a 'Coca-Cola' keg that indicates to me that it is a 'Coca-Cola' keg, is the color of the keg."

DAVID G. WISE (Rec., 474), Atlanta, Ga., for five years;
keeps two retail stores:

475 "If I were to order 'Coca-Cola' and it came to me in a barrel painted white instead of red my porter would likely call my attention to it and say 'Doctor, this ain't right, something wrong about this.' "

CECIL V. ROGERS (Rec., 735), druggist, Dallas, Texas; has been in drug business for about twenty-three or twenty-four years:

738 "If I were walking down the street and saw in front of a store where there was a soda fountain, a pile of red barrels and assuming that I was far enough off so that I could not see the labels, I would decide it was a 'Coca-Cola' barrel. I am familiar with the color; I have handled quite a number in my time and I have always received it in red barrels and I have never seen it in any other colored barrel."

J. B. PRENDERGRAST (Rec., 496), druggist, Atlanta, Ga., testified:

497 "If I saw a cartload of kegs going down the street, some red and some white, I would naturally think of 'Coca-Cola' being a red keg."

W. A. HARTMAN (Rec., 492), 173 Ashby street, Atlanta, Ga.; cigar and soda water business:

"You ask how I could distinguish a keg of 'Coca-Cola' by its appearance; I could distinguish it by the color of it. No, sir, I have never seen it in anything else except red kegs or barrels. If I should see a line of red kegs or barrels in front of a soda fountain what would flash

immediately in my mind would be that they are 'Coca-Cola' kegs."

CHARLES KINGSBERRY (Rec., 465), Atlanta, Ga.; cigar and soda water business:

"Q. 23. You know it when you see it by the color it has? A. By the color; yes, sir. Q. 24. That is one of the ways? A. Yes, sir, that is one of the ways that I know it, and the name, another way. If I should see in front of a soda water stand a whole lot of barrels and kegs of red color, the first thing that would flash through my mind would be that it was 'Coca-Cola.' Yes, sir; that would be so whether I saw the label or not, because they have been putting it out in red kegs ever since I have been getting it from them."

R. K. SMITH (Rec., 1190), first soda clerk with the United Cigar Stores Co., Nashville, Tenn., a witness called by the Koke Companies admitted:

"I could tell a Coca-Cola barrel if it was labeled Coca-Cola. If it was not labeled possibly I would think it was a Coca-Cola barrel because they are red barrels."

The following is a tabulation of other testimony which shows that the color of the Coca-Cola barrels is a distinctive red, and that this color aids purchasers and consumers in ascertaining that a barrel does or does not contain Coca-Cola. One of the steps of infringement by the Koke Companies is the imitation of these distinctive barrels. That the Koke Companies get up their barrels in exact imitation of the Coca-Cola barrels, and buy used Coca-Cola barrels is admitted.

	Record Page.
S. C. Dobbs	319, 320 & 321
F. M. Robinson	357
C. H. Candler	395, 396
I. V. Wood	569
M. D. Palmer (Paint for Koke Co.)	577, 578
D. P. English	802
Frank P. Killilea	678, 679
W. J. Cheevers	588 <i>et seq.</i>
Nick D. Chotas	448
F. W. Green	451
I. L. James	460
F. F. Langenfeldt	473
J. F. Redding	479
W. A. Medlock	483
Clyde Park	513

See, also, the stipulation entered into in
this case concerning the testimony of:

C. Stanley French	856, 857
Edward T. Longstreth	856, 857

SCHEDULE IV.**THE DISTINCTIVE COLOR AND TASTE OF
COCA-COLA.**

The record shows that Coca-Cola has been the same color since it was first manufactured. That this color is produced by the use of caramel, or burnt sugar. The amount of caramel used in Coca-Cola is minute and its use is not structural, but for a decorative and identifying purpose. That is to say, that it does not produce any part of the flavor of the product, but is used to give it the color that the product has.

It was further shown by a number of witnesses that color is one of the methods of ascertaining and determining from observation if a product is Coca-Cola or not.

The following witnesses so testified:

Name of Witness.	Record Page.
S. C. Dobbs	319, 320
C. H. Candler	395
W. P. Heath	415, 417
Nick D. Chotas	448
F. W. Green	451
Charles Kingsberry	467
Charles E. Caspari	901

It is clear from the record that Coca-Cola as a beverage is identified by its distinctive color.

I. L. JAMES (Rec., 460), Atlanta, Ga., drug business:

“No, if I should order a ‘Coca-Cola’ at a soda fountain and they should give me a yellow drink I would not think it was ‘Coca-Cola.’ ”

GEORGE ALFRED HARBOUR (Rec., 456), Atlanta, Georgia, proprietor of Harbour's Smoke House; has conducted a soda fountain five years and a half:

458 "No, sir, I cannot serve to my customers asking for 'Coca-Cola,' either by it's name, or by any of its nick-names, a golden yellow beverage because they would know it was not 'Coca-Cola' by its color."

It is admitted by the testimony of a number of witnesses produced by the Koke Companies that caramel in a product of this character is used purely for coloring; that it is not an essential part of the product, and even if caramel is used there is no necessity for the exact duplication of the shade of Coca-Cola; that different quantities of caramel give different colors, and that by the use of different quantities any shade from a pale straw color to practically a black can be obtained. Upon this admitted fact is based the argument of the Coca-Cola Company that the exact duplication of Coca-Cola in color of the Koke Companies' product is unnecessary.

R. K. SMITH (Rec., 1190) (a witness called by the Koke Companies), first soda clerk, with United Cigar Stores Co., Nashville, Tenn., testified:

"The color depends upon the amount of caramel you use. You can make a different drink, take a white drink and add caramel coloring and you can get anywhere from a pale yellow to a black."

J. D. Fletcher, a manufacturer (Rec., 1091, 1094), testified that he uses caramel simply for coloring.

J. A. Bermudez (Rec., 1498) testified that caramel gives body and appearance. By using different amounts of caramel, different shades can be obtained; that Koke, with or without caramel, would not be changed in taste; that the purpose of using caramel is to give color.

SCHEDULE V.

Salesmen of the Koke Companies in attempting to sell their product hold out as an inducement to purchase that more money can be made in its sale than in the sale of Coca-Cola and that it can be sold as and for Coca-Cola and the public cannot tell the difference. The testimony establishes beyond controversy that these representations are deliberately, continually and systematically made.

ROBERT CHIDSEY (Rec., 558), manager of the Etowah Company Soda Water and Ice Cream Parlor, 250 Dauphin street, Mobile, testified that he had a call from a representative of The Southern Koke Company, Limited, about three or four months ago:

559 "He proposed to sell me his syrup called 'Koke,' which he claimed was a good substitute for 'Coca-Cola' and that it could be sold for 'Coca-Cola,' and I stated to him that I didn't care to purchase this syrup to sell in place of 'Coca-Cola' and he thereupon figured up the difference in profit between 'Coca-Cola' and his stuff. Under his way of figuring it, his syrup cost me about fifty cents a gallon less than 'Coca-Cola.' * * * He sent me some stuff and told me I could serve it in the

560 place of 'Coca-Cola.' * * * I didn't know him before he called on me, and, without any preliminary knowledge of me or I of him, he opened the proposition for me to commit a fraud on the public by substituting his goods for 'Coca-Cola'—that's my testimony. You ask if that wouldn't have been an arrant fraud; well, he told me I was a little too conscientious about the matter. * * * He said I could sell 'Koke' in the place of 'Coca-Cola' and make more money out of it. He said I would get the same price for it as I did for 'Coca-Cola,'

but argued that if a man came along and called for 'Coca-Cola' I could serve him that, which would net me a greater profit than if I gave him genuine 'Coca-Cola.' Yes, sir; I still insist that his only object in seeing me
561 was to induce me to buy his syrup and sell to my customers instead of 'Coca-Cola.' * * * The reason why he sent me a gallon afterwards was because he told me I could try it and taste it and if I didn't think it was as good as 'Coca-Cola,' and it couldn't be served as 'Coca-Cola,' that I needn't bother about it any further."

E. R. ALBRIGHT, of Albright & Wood, druggists of Mobile, Ala., testified (Rec., 546):

546 That Patton, the representative of the Southern Koke Company, Ltd., called on him in November, 1913. Patton stated that the Southern Koke Company had the names "Dope" and "Koke" copyrighted; when people asked for "Dope," give them "Dope"; when they asked for "Koke," give them "Koke." " 'Dope' and 'Koke' were the same." Patton stated that it was unfair competition to sell "Coca-Cola" in response to requests for "Koke" and "Dope," and that dealers who served "Coca-Cola" for "Dope" would be liable for prosecution by the company Patton represented. The fact that "Koke" and "Dope" were nicknames for "Coca-Cola" was discussed. Albright stated that he always furnished "Coca-Cola" when people asked for "Dope." Speaking of Patton he said, "His argument was that
547 they had the names 'Dope' and 'Koke' copyrighted, and that a dealer who supplied 'Coca-Cola' for those articles when they asked for 'Dope' and 'Koke' would be liable to prosecution, that they owned that name the same as the Coca-Cola people did 'Coca-Cola.' "

Albright and Wood bought two barrels of the product of the Southern Koke Company, Ltd., stipulating that it

should be shipped unlabeled. The price was less than the price of "Coca-Cola." Thereafter, when people asked for a "Koke" or a "Dope," at Albright & Wood's fountain they were given the product of the Southern Koke Company. Albright testified:

"Why, I should say I have known the nicknames 'koke' and 'dope' to be applied to 'Coca-Cola' about eight years,—eight or ten years."

Albright & Wood did not want the Southern Koke Company stuff to be labeled.

"I didn't care for my customers to know that I was using the stuff at all."

He testified its sale in response to orders for "Koke" and "Dope" as follows:

"I didn't feel like I was violating any law, because I didn't serve it as 'Coca-Cola,' I served it as 'Dope.'"

He discontinued because:

548 "It was my own feeling in the matter. I didn't think I was doing right. I know that I drink 'Coca-Cola' and have for years, and did before I went in business on my own account, and when I went into a place and asked for 'Dope' I expected 'Coca-Cola.'"

* * * * *

550 RDQ 1. Mr. Albright, you said a few minutes ago, in answer to a cross-question that you didn't serve this product of the Koke Company of America for 'Coca-Cola,' the fact is, isn't it, that you didn't serve it to people who used the word 'Coca-Cola' in making their request? A. Exactly; yes, sir.

RDQ. 2. You did, however, serve it to people who used the words 'Koke' and 'Dope'? A. Yes, sir."

I. V. WOOD (Rec., 566), of the firm of Albright & Wood, druggists, of Mobile, testified that he had a conversation with a representative of the Southern Koke Company about twelve or fifteen months ago, who tried to get him to purchase some of the products of the Southern Koke Company:

- 567 “He claimed that ‘Koke’ and ‘Dope’—that they had the copyright name for it, and that it was their product, and if a man came in and asked for ‘Koke,’ or ‘Dope,’ why we had a right to sell their product, that they had a registered name for it, that was my impression, that
- 567 they sold it under. I bought one barrel of their product, I think, which was delivered. I think the barrel in which it came,—I don’t know exactly, but I believe the barrel was kind of a dark red, or maroon color. It was very much like the ‘Coca-Cola’ barrel in one respect,—across the heading of it was a little bit different, not exactly like ‘Coca-Cola.’ No, sir; it did not have a label on it. Yes, sir, I requested it to be shipped without the
- 568 label. It came from New Orleans, La., by freight, and was delivered to my store here in Mobile. The representative of the Koke Company didn’t ask me to come out and substitute this product for ‘Coca-Cola,’ but he said in the conversation I had with him,—he said, ‘When they ask for “Koke” or “Dope,” why it means that our product is to be sold because we have a registered name. We are sole owners of the name “Koke” and “Dope,” and you have a perfect right to serve them and serve our product; and when people ask for “Coca-Cola” to give them “Coca-Cola.”’ They didn’t insist on me serving ‘Coca-Cola’ when they asked for ‘Dope,’ but they said for me to use two cans, one for ‘Koke’ and one for ‘Coca-Cola’ and I bought under these conditions—that I use one for ‘Coca-Cola’ and one for ‘Dope’

when they asked for it. No, sir, I don't believe I had ever heard of any product except 'Coca-Cola' up to that time under the name of 'Koke' or 'Dope.' Q. 41. Then the fact that the Southern Koke Company was making a product which they were designating as 'Dope' and 'Koke,' was a surprise to you, wasn't it? A. Yes, sir.

569 * * * I said something to this agent at the time to the effect that I recognized 'koke' and 'dope' as nicknames for 'Coca-Cola.' Well, he told me to serve it under the name 'Koke' and if people asked for 'Koke' serve it—serve 'Koke.' He said I had a right to serve their product because they had a registered name which was a registration of 'Koke.' Q. 47. Anything said about 'Dope' in that connection? A. 'Dope,' too, 'Koke' and 'Dope.' You ask if anything was said about the product being like 'Coca-Cola,' by the agent; well, I think so, I believe it was supposed to be the same thing.

574 One of the representatives, I don't know which one, told me a man serving 'Coca-Cola' under the name of 'Dope' or 'Koke' would violate the law because they owned the copyright name for 'Dope' and 'Koke' and a man really ought to serve it when they call for that, be-
575 cause they own it and nobody else. * * *

When we were handling this product of the Koke Company of America and had it in a separate container in the fountain and a man came and asked for 'Dope' or 'Koke' I gave him the product 'Koke' or 'Dope'—the product of the Southern Koke Company, Ltd., yes, sir. Well, we had that barrel because I was under the impression that they were the sole owners of the copyright name 'Koke' and 'Dope.' RDQ. 10. You thought you were compelled to do that? A. Yes, sir. You ask if I felt that I might be sued if I didn't handle it; well, I will tell you, I didn't like to be a substituter and I thought I was doing my duty to do it. Yes, sir; I got that idea from the state-

ment made to me by this representative of the Southern Koke Company. Yes, sir; that I would be a substituter if I didn't sell the product of the Southern Koke Company when people asked for 'Koke' or 'Dope.' You ask what I understood the purchaser meant when he asked for 'koke' or 'dope'; naturally, as I stated before, if a man asked for 'koke' or 'dope' I was under the impression all the time that he wanted 'Coca-Cola.' I knew that he wanted 'Coca-Cola' because 'dope' and 'koke' had been common names since I had been knowing it—nicknames for 'Coca-Cola' before I ever heard of any substitute or any other preparation with a similar name; ever since 'Coca-Cola' was put on the market, and I took it for granted that was what they wanted."

DAVE S. BAUER (Rec., 533), retail druggist in Mobile, Alabama, for twenty-odd years. During that time has handled and dispensed Coca-Cola. Had an interview in the latter part of the year 1913 or the fore part of the year 1914 with two men representing the Southern Koke Company of New Orleans:

- 534 "One introduced himself as the representative of the Southern Koke and Dope Company and said he had a soda fountain beverage that he thought would interest me. I just referred him to my head soda water man and he said he wanted to talk to me about it; said he had a cola drink that he could replace 'Coca-Cola,' that
- 535 we could serve at the fountain and save money on the 'Coca-Cola,' and the public or no one could tell the difference, and save at least fifty cents a gallon on it. When I informed him that I didn't use any substitutes for 'Coca-Cola' he told me that they had a copyright on their stuff 'Koke' and 'Dope,' and that when the trade called for it that way I was expected to serve that, otherwise I would be subject to prosecution. He said that he

had a copyright on the names 'Koke' and 'Dope' and argued that if people called for a beverage at a soda fountain under the name 'Koke' or 'Dope' that is what we would have to serve, but if we served any other cola drinks in that place we would be subject to prosecution.

* * * You ask me to state if this representative of the Southern Koke Company about whom I have testified, and who had this conversation with me, said anything about the possibility of selling his product on calls for 'Coca-Cola'; in reference to that, he told me that if I wanted to serve 'Coca-Cola' at my soda fountain, and serve 'Koke' and 'Dope,' that it would be necessary for me to have two casks, to keep out of trouble; that if I served 'Koke' and 'Dope'—at least if I served 'Coca-Cola' when 'Koke' and 'Dope' was called
536 for—I was serving something the customers didn't ask for and was liable to prosecution; that they had the copyright under that name. You ask if anything was said about substituting 'Koke' for 'Coca-Cola'; that was one of the first things that he told me, that I could serve 'Koke' and 'Dope,' and that the calls for 'Coca-Cola' the public wouldn't know it and couldn't tell the difference. * * * You ask if anything was said about the product he was selling which he denominated 'Koke' and 'Dope' being cheaper than 'Coca-Cola'; if anything was said to me about my being able to make more money in the sale of his products than I would in the sale of 'Coca-Cola,' and if that was held out as an argument for me to purchase; to all of these questions I answer—yes, sir. Well, that is pretty much what he said, I think, after first trying to induce me to buy his syrup, as I understood it, as a substitute for 'Coca-Cola,' and after I informed him that I never sold a substitute for 'Coca-Cola' and never expected to, he then told me, 'Maybe you don't know it, but our syrup is copyrighted. You have more

calls for this drink in our name than you do under the name of "Coca-Cola." Now, if you serve "Coca-Cola" when our drink is called for, why, you are subject to prosecution'; and I said, 'Well, I am going to see that they do not serve it.' He says, 'How are you going to do that?' Then I showed him a sign we had on the fountain that said, 'If you want "Coca-Cola," please call
537 for it by its correct name; that is the only cola drink we serve at this fountain.' Then, in addition to that, that when a customer calls for 'Coca-Cola'—that is, when they call for 'koke' or 'dope'—to tell them they want 'Coca-Cola,' and, if they raise any question to our question of their intelligence, we would simply show them the card and let them know there are two different drinks. Well, he said, 'You are busy and I will see you later,' and that was the end of the conversation with him. Previous to that time I had given instructions to my soda dispensers to make the inquiry of purchasers who asked for 'koke' and 'dope' if they wanted 'Coca-Cola.' When they say, 'Give me just what we ask for,' we say, 'Well, we don't carry anything but "Coca-Cola." ' In a good many instances they state, 'Look here, I didn't come in here to be jollied, I came in here to get what I want.' The dispensers would then say, 'We just don't serve anything else but "Coca-Cola," ' and this card would be shown to the purchaser, and in a majority of cases the fellows would just tell what they wanted. The card referred to is the one marked 'Plaintiff's Exhibit No. 100.' Of course, I watched this pretty close to see what effect it would have on my business, and visited my soda fountain more often than usual, and, whenever I seen that card shown them, without one exception I heard the reply, 'Say, I want "Coca-Cola." I didn't know there was two drinks, I didn't know there was another one like that.' "

GEORGE L. SEIBERT (Rec., 551), Bauer's dispenser, testified:

That he exhibited the "Koke" card, identified by Bauer, to the customers who used the word "Koke" or "Dope" at the soda fountain.

"When people come in and asked for 'dope' before I got this card, I would give them 'Coca-Cola,' and when we got the card down there Mr. Bauer told us what to do and say—we handed it out to them and they would say, 'You know what I want—"Coca-Cola"'—and it made a few of them mad, you know."

G. H. UPCHURCH (Rec., 521), drug business, Mobile, Alabama, testified:

- 523 "I remember a call I had from a representative of the Southern Koke Company of New Orleans about February 20, 1914. This representative did not talk to me personally; he talked to one of the men at the fount named John Graham. * * * He began to make a statement—a question, rather, of Mr. Graham at the fount, what they were serving when they had calls for 'dope' or 'koke.' Mr. Graham replied to him, saying that they were serving 'Coca-Cola.' This agent then informed Mr. Graham that they had no right to do it—that they had a patent or trade-mark on the words 'Koke' and
- 524 'Dope' and that they had the exclusive use of it and that we had no right to serve 'Coca-Cola' when 'Dope' and 'Koke' were called for. That was the substance of the conversation."

J. W. GRAHAM (Rec., 555):

Employed at Bienville Pharmacy in Mobile, Alabama. Came there on the 15th of February, 1914. About the

last of February had a conversation with a representative of the Southern Koke Company, Limited. He testified concerning that interview:

- 555 "Some one came in and asked for 'koke' and I served him with 'Coca-Cola' and this gentleman walked up—he asked to see the boss—the boss was busy right then, but I told him he could see him in a few minutes. He
- 556 asked me if I had many calls for 'koke' or 'dope,' and I told him, yes. He asked me did I serve 'Coca-Cola,' I told him yes. He asked me again did I think that they meant 'Coca-Cola' when they asked for 'koke.' I told him, yes, because I asked them what they meant and they told me what they meant, therefore I served them 'Coca-Cola.' He said, 'Why not have a "koke"?' You can get it a whole lot cheaper than you can "Coca-Cola." I told him I didn't know anything about that; I didn't know the price of 'Koke.' He said he was selling it and wanted to see the boss. I don't know whether he ever saw him or not; I went to dinner. Anyway, we talked quite a little bit on it and I said that a man who asked for 'koke' and 'dope' or 'shot,' meant 'Coca-Cola,' simply because when I first went behind the fountain I was an inexperienced man and didn't know what they meant and they said 'Coca-Cola,' of course. When I got experience, a man came in, asked for 'koke' nine out of ten he wants 'Coca-Cola'—you ask him and he tells you what he wants. I made this statement to this man, who said he was the representative of the Southern Koke Company. We got into an argument and he said that when a man came in and asked for 'koke' that I could serve him 'Koke' and he would be getting what he asked for; that is, I could sell him the product of the Southern Koke Company, Ltd. I said, 'No, he means "Coca-Cola." ' ' ' "

PIERRE AUGUST CAPDAU (Rec., 664), a pharmacist, for thirty years in New Orleans:

Recollected an interview with a representative of the Southern Koke Company.

- 665 "Sometime in May of this year some gentleman was in the store and he said, 'You don't handle "Koke" or "Dope," do you?' I said, 'Yes, sir, I sell "Coca-Cola." ' 'Oh, that ain't right,' he said. 'We have got a trade-mark on the names "Koke" and "Dope" and you ought to sell it; every time you are doing that, you are violating the law.' 'Well,' I said, 'I don't see how—I have never known of a man who asked for "dope" or "koke" at my fountain but what indicated a desire for "Coca-Cola" ' ; and he says, 'You will have to discontinue that because if you don't discontinue it, why it might cause you some trouble.' I says, 'Well, I will tell you, I will look after the trouble; I am convinced when a man comes
- 666 in here and says he wants "koke" or "dope," he actually means "Coca-Cola," and I have never had a man to contradict me on that score, except you, sir.' 'Well,' he says, 'we'll get at that, we'll get at that,' something to that effect. He left and I have never heard from him since. No, I did not ask this man what he would have understood if a person had asked for 'koke' or 'dope' if he had been running a drug store five or six years ago; you see, I wasn't really doing the arguing with this individual; he simply was inviting it, and, naturally, I wasn't going into it, but I did say to him this: That, in all of my experience, I have never had any difficulty in giving a man 'koke' or 'dope' whenever he would ask for it, and I did feel as though that expression had been used for so long a time I couldn't really see where he could have had a trade-mark or a patent on the words. 'Well,' he says, 'we have got it, and you will hear from

it, you may hear from it yet on that subject.' I said, 'Go ahead, old man, these are my views and I stand by them; I feel that every time a man asks for "koke" or "dope" he means "Coca-Cola." ' "

Cecil V. ROGERS (Rec., 735), druggist, Dallas, Texas, has been in drug business for about twenty-three or twenty-four years:

- 736 "I had a call from a salesman representing The Koke Company of Texas, in reference to 'Koke.' The salesman wanted to put in 'Koke' to be served at the fountain. While he didn't exactly make reference to the fact that it could be served for 'Coca-Cola,' he made mention of the fact that when people called for 'coke' give them 'Koke,' and when they called for 'coke' that they were more than likely to mean they wanted 'Koke' than 'Coca-Cola'; and mentioned the fact that if I didn't give them 'Koke' and did give them 'Coca-Cola' that I would be infringing on 'Koke' inasmuch as they called for 'Koke,' and I gave them 'Coca-Cola.' You ask if I have ever known the name 'coke' to be used as a short name for 'Coca-Cola' prior to this; oh, yes, it has always been called 'coke' as far as I can remember. I have known of the product 'Koke' of the Koke Company of Texas not over three years. I was a soda water boy about 14
- 737 years ago at the Palace Pharmacy, at which time people very often used the nickname 'coke' in asking for 'Coca-Cola.' I had a gallon of the product 'Koke' of the Koke Company of Texas in my store at one time. Yes, sir, at one time there was an experiment made by the Koke Company's salesman. A customer was drinking at the fountain and there was a little experiment made there claiming that the two drinks 'Coca-Cola' and 'Koke' couldn't be distinguished from each other, that they were so similar. My soda boy there made the experiment at

the request of the salesman of the Koke Company. This customer, who was sitting at the counter there says, 'I bet you I can tell the difference,' he says, 'all right, we will have the boy mix them up and see,' and took some out of his bottle and had the boy mix them and made a 'Coca-Cola' too, and while he turned his back the boy set them on the counter—the boy knew which was which—he set down the one he thought was 'Koke' and picked up the one that tasted more like 'Coca-Cola' to him, so he said, and drank it, but he was right, however."

CHARLES R. SMITH (Rec., 746), drug business at Dallas, Texas, about fifteen years:

746 "A salesman representing the Koke Company made
747 an effort to sell me 'Koke'—'K-o-k-e-' instead of 'Coca-Cola.' * * * They would make me a price on the syrup, and then, after using so much of their product, I was to have so much stock in the Koke Company. And then they made the argument that they couldn't tell the difference between 'Koke' and 'Coca-Cola,' and would make me a saving in using their product, 'Koke'—it would cost less than 'Coca-Cola.' They said if people came in and asked for 'Koke' just to give it to them. Yes, sir; I was recognizing all this time that 'Coca-Cola' was being called for as 'coke'."

O. M. BROWN (Rec., 763), clerk at the Oriental Drug Store, Dallas, Texas, and in charge of the soda fountain:

"A representative of the Koke Company sought to have our people handle it [Koke]. He said it was cheaper and said there was no difference in it and 'Coca-Cola,' but I tasted it and told him that there was a difference and I believe any one could detect the difference."

T. Q. MARTIN (Rec., 765), proprietor of the Owl Drug Store, Dallas, Texas, recollected a salesman of the Koke Company of Dallas calling; his name was Green:

“He came and asked me to sell ‘Koke’ and said it was just as good as ‘Coca-Cola,’ from the fact that it was being manufactured at Dallas, and, as a patriotic citizen, I should sell it, and that I wouldn’t be deceiving the customers because a man should get what he called for,—if he called for ‘Koke’ that we should have the ‘Koke’ to give him. Well, I differed with him; I told him that people called for ‘coke’—called it as a nickname for ‘Coca-Cola,’—and I told him that was a nickname that people generally applied to ‘Coca-Cola,’ that I had myself observed ‘Coca-Cola’ around the fountains; that they would say, ‘Give me a glass of “coke.” ’ ”

E. B. THOMAS (Rec., 766), who operates a soda fountain in connection with his confectionery business in Dallas, Texas, testified:

767 “A representative of the Koke Company tried to induce us to use the ‘Koke.’ My best recollection is that it has been over a year, maybe a year and a half ago. The argument he used was that I could make more money out of it than I could ‘Coca-Cola.’ Yes, sir, sell it to me cheaper; make me a better proposition. You ask if they said anything about its resemblance to ‘Coca-Cola’—being similar or the same as it; to my best recollection, yes; they said it was practically the same thing as ‘Coca-Cola.’ You ask if they made any threats against me unless I sold ‘Koke’; the best I remember on that, they said that when they called for ‘Koke’ that they were going to make us give them ‘Koke,’ and if they called for ‘Coca-Cola’ give them ‘Coca-Cola.’ That’s my best recollection of it. I think the gentleman I was talking to is

this gentleman here (pointing to Mr. Boyd¹)—I couldn't say as to whether or not he was connected with the company in an official way. My recollection is he was manager, but whether he said that or not I won't say; that's the idea I have now—that he was connected with the company; whether or not he was manager or president I wouldn't say. * * * You ask if anything was said as to whether or not my customers would be able to tell the difference; well, I don't know exactly on that, but my best recollection on that is that there would be no one that would make any kick on it at all, if they called for 'coke' and we gave them 'Koke,'—there would be no kick on it; that it was a first-class article, and that I could sell it as good as I could 'Coca-Cola.' * * * I think at one time they sent me down a gallon of 'Koke.' I put it in the pump, I believe I told the dispensers to try it—a few of them that asked for 'Koke' were given it and one of the dispensers came to me a few days later—I don't know how many days it was, and said to me, 'You can't get by with that stuff, Mr. Thomas.' I said, 'Take it out of the pump.' "

F. L. SKILLEN (Rec., 792), druggist, Dallas, Texas:

793 "I had an interview with a gentleman selling 'Koke.' * * * He came in and introduced himself. I can't remember his name, in fact I couldn't remember your name that you told me yesterday, but he said he was selling 'Koke' and I told him that I didn't handle it. He asked me why I didn't handle it and I told him we didn't handle anything but 'Coca-Cola.' He says, 'What are you going to do when people call for "Koke?"' I said, 'I am going to give them "Coca-Cola."' 'Well,' he said, 'don't you know that you lay yourself liable to prosecution?' I told

¹Boyd though noticed as a witness by the Koke Companies was not called.

him I didn't think I did, that I didn't think any of my customers wanted anything but 'Coca-Cola' and that it was a free country and they had every opportunity in the world to prosecute if they felt that way, that we didn't sell anything but 'Coca-Cola' and would continue not to sell anything but 'Coca-Cola.' He then told me I ought to handle it. I asked his price and he said \$1.25 a gallon, and I told him 'Coca-Cola' didn't cost us that much the way we bought it. He was very persistent and I guess
 794 we must have talked for about three-quarters of an hour and I finally showed him the door. I told him that we believed and thought we were right, that ninety-nine out of every hundred that called for 'Koke' wanted 'Coca-Cola'—that I wouldn't state that positively, but that was our belief and we believed it so strong that that's what we gave them and we didn't have anyone to kick on it. He stated his product was cheaper than Coca-Cola."

GEORGE C. KERSHAW (Rec., 811), manager of the Dade Drug Company, Dallas, Tex.:

"I had a visit from a salesman representing the Koke Company of Texas, in Dallas.

The only argument that he advanced was that I could buy it cheaper than I could buy 'Coca-Cola,' and that I could sell it and realize more profit and the public wouldn't know any difference,—that I could use it as a substitute, in other words."

TONY GIARRAPUTO (Rec., 814), in confectionery business thirteen or fourteen, maybe fifteen years at Dennison, Texas; selling "Coca-Cola":

815 "Yes,—it was a nice looking gentleman come into my place and says he want to sell me something 'Koke'; I tell him 'Is it "Coca-Cola"?' He says, 'No, it's same thing

exactly like "Coca-Cola," ' and they tell me it was one of the firm that used to be the one that makes 'Coca-Cola' makes it, and I tell him,—well, we were speaking about contract; I tell him, 'If you sign a contract which is pure "Coca-Cola" I will take a barrel on trial, but if it not good "Coca-Cola," if it's not "Coca-Cola," I send it back,' and of course, he forces me to sign a contract, and that they give me a share in the business, and before I sign a contract with you in regard to this business we got to go to lawyer, because I no sign no paper until I know what's doing, and of course, I never see this man no more, and he really no call on me since that time."

MRS. C. E. FLAGG (Rec., 826), confectionery and floral shop, Oak Cliff, a suburb of Dallas:

- 826 "I had an interview at one time with a salesman selling a product which he called 'Koke.' He wanted to sell me this 'Koke' for ninety cents a gallon. He said it would be a great saving as 'Coca-Cola' would cost me (\$1.50) a dollar and fifty cents; I told him I didn't want it. He said you couldn't tell the difference between 'Coca-Cola' and 'Koke' and also that the people couldn't tell the difference between them. I told him when people asked for 'coke' that they wanted 'Coca-Cola' and he said that they didn't, that they wanted 'Koke'; he said, 'Of course, when people come in and ask for "coke" they want "Koke"' and that we were supposed to serve 'Koke'; and I said, 'No, when a person asked for 'coke' it's just a short way of asking for "Coca-Cola." ' ' ' "

PETER CAMARINOS (Rec., 827), confectionery dealer, McKinney, Texas, testified:

- 827 "I had a call from a man representing the Koke Company here in Dallas—I couldn't remember exactly—two

or three months ago. He had some 'Koke' which he offered to sell me. Tell me sell it cheaper than 'Coca-Cola' and make more money than I could by selling 'Coca-Cola.' You ask if he said I could sell it for 'Coca-Cola'; yes, sir. You ask if he said it was like 'Coca-Cola'—couldn't tell the difference, anything of that sort; no, he say people can't tell difference. * * * Yes, sir, he said to me that it was as good a drink as 'Coca-Cola' and he says I can sell it for 'Coca-Cola.' Yes, sir; I am sure he told me I could sell it for 'Coca-Cola.' "

T. J. BRITTON (Rec., 829), retail druggist, Dallas, Texas, testified:

- 830 "I recollect having a representative call upon me trying to sell me the product 'K-O-K-E' made by the Koke Company of Texas. I think it was about three years ago that he came in the store and tried to sell me some 'Koke' and, of course, the argument that they all put us is that it can't be told from 'Coca-Cola,' and I think it was cheaper—I think he offered it at about a dollar a gallon, and I told him, no, I didn't care for it, I didn't dispense anything but the genuine 'Coca-Cola' and had never handled any substitute for it; and, in the course of the conversation, he intimated to me that when I sold a man 'Coca-Cola' when he called for 'Koke' that I was substituting, and I immediately told him that he would have to withdraw from my office, that I didn't have time to talk to a man that would advance that kind of an argument. Yes, sir, the public, when asked for 'Coca-Cola' at my fountain, prior to that time, had been asking for it under the name 'coke.' "

J. M. PENLAND (Rec., 1978), president, Waco Drug Company, Waco, Texas, testified:

1978 "I had an interview with a man, named Moore, representing the Koke Company of Texas,—I think it was in the spring of 1913,—in my office at Waco, Texas. Mr. Moore came into our place and solicited our business, wanting us to act as distributors for the Koke Company of Texas, and made us a price of \$1.25 per gallon to any of our trade on direct shipments, or to us for our stock, and he offered as his argument for our handling it, that they were in position to give us this price because they were not doing any advertising, that the average person who called for 'Coca-Cola' used the word 'coke,' and that they would get the benefit of the advertising done by the Coca-Cola Company, and that the retail man could conscientiously justify himself in dispensing 'Koke' on such orders or on orders that he thought was intended to be 'Koke.' "

EDWARD T. LANGAN (Rec., 894), 55 East Congress street, Chicago, testified:

895 "I recall an interview with a young man, Mr. Mayfield, who tried to sell me a product under the name of 'Koke' a short time after I went to the Auditorium Pharmacy. He was in there, I judge, about five or six times during the spring of 1913. I don't know exactly the words that Mr. Mayfield used, only he wanted to sell me 'Koke,' or some substitute. He claimed that it was made the same as 'Coca-Cola' and it could be sold the same as 'Coca-Cola' without anybody ever detecting the difference. You ask me to explain my last answer a little bit, and you ask if I mean that Mayfield told me that it could be sold for 'Coca-Cola' when people asked for 'Coca-Cola'; no, he said that the men who used to

make 'Coca-Cola' was now making this product, and,
896 therefore, it was the same thing and it could be sold as
Coca-Cola.' "

J. W. Mayfield was asked concerning the representations that he made to soda fountain proprietors, and stated (Rec., 1529): "I cannot remember the different lines of talk I put up to the different soda fountain people."

And again (Rec., 1530): "I cannot remember what I told those dispensers and proprietors. I never sold goods with the same line of talk to any two men."

J. W. Mayfield's card is reproduced in the "Statement of the Case" in brief of The Coca-Cola Company.

These statements are confirmed by the admissions of the Koke Companies' witnesses.

ROBERT E. OUSLEY, of Kosciusko, Mississippi, in the drug business, a witness called by the Koke Companies, testified as follows:

1447 "A traveling man came around and told me that Koke and Dope were copyrighted by the United States Government and we had as much right to sell it as Coca-Cola, when a man come in and said 'Give me a Koke or a Dope,' it was copyrighted. He said those two names are both copyrighted. He said 'Koke and Dope are copyrighted drinks, just the same as Coca-Cola is a copyrighted drink.' He said, 'If you do not give him
1448 Koke or Dope you are infringing on our name as much as Coca-Cola or anyone else for that.' I bought it because I could know what they were calling for, Koke and Dope. It costs a little less than Coca-Cola. There is more profit over the counters. We put this in and when a man comes in and calls for a Koke or a Dope we give it to him and when a man calls for Coca-Cola we have Coca-Cola for him which we always have. He just said

'This is a Cola drink, he said a Cola drink.' I do not remember him saying it tasted like Coca-Cola. He made the drinks and showed them to me.

He had a sample, and he said, 'Here are two drinks.'

Q. 122. Oh, two drinks. What about the other one? Did he ask you to draw a Coca-Cola from your fountain?

A. He did not draw a Coca-Cola. He said, 'You know what Coca-Cola is.' He said, 'Here is my cola drink.'

Q. What two drinks are you talking about?

A. Koke and Dope.

Q. Is that two drinks or the same thing?

A. The same drink,—and he said, 'There is your Coca-Cola.'

When people come in and ask for Koke or Dope we give them that one thing which comes to me, Koke or Dope. It comes from the Southern Koke Company of New Orleans.'"

HUGH LEE BOYD, a druggist of Koseiusko, Mississippi, called by the Koke Companies, testified:

1455 "I bought this product from the Southern Koke Company from Mr. Patton. Think he told me about this Koke and Dope, that he was handling, and wanted to put in some. He said it sure was a good thing and he was selling a good deal of it. He had a sample and mixed a drink. I did not know which one I was drinking, Coca-Cola or it. He never said a word about it being like Coca-Cola. He told me I could not tell them apart, I think."

MAX BLOOMSTEIN, drug business, 506-508 Church street, Nashville, Tennessee, called by the Koke Companies, testified:

1148 "I have been handling Koke and Dope about a year or such a matter. It comes to me labeled Koke or Dope. I changed to Koke and Dope because Koke and Dope are copyrighted names and I thought I was liable to indictment if I served anything else. When I was first approached to buy Koke and Dope I refused to buy it. I told them I had as many of those drinks as I wanted,

and a card was handed me on which I saw that Koke and Dope were copyrighted. I immediately went to my soda dispenser and told both of them if anybody asked for Koke or Dope for them to be very particular and ask if they wanted Coca-Cola. I know there are a whole lot of men out in the employ of the Coca-Cola Company and I did not want them to trap me. I am not particularly fond of lawsuits and for that reason I know if a man asked for a koke or a dope and knew of the Koke and Dope preparation, he wanted that. If he meant Coca-Cola he wanted them to give him Coca-Cola so I told my dispensers if anyone asked for Koke or Dope to ask the question, 'Do you mean Coca-Cola?' Some did mean Coca-Cola and some did not mean Coca-Cola, but there were some of them that took offense at the question: 'What do you mean, Coca-Cola?' Some says: 'None of your damn
1149 business, you ought to have enough sense to know,' or words to that effect. They became angry and at the end of two days my head dispenser said to me: 'I think you had better not make us ask that, we are offending some of our customers, they seem to take offense.' Because they all considered we should know what they wanted. It is pretty hard to know just what one will become offended at. * * * That is one of the kind of cards that was handed to me, as well as I can remember (indicating a card known as Exhibit No. 9), stating on it that Dope and Koke were copyrighted names. That is the reason I made my change from selling Star-Cola when Coke and Dope were called for, to Koke and Dope when Koke or Dope is called for. * * * There was a time I handled Coca-Cola and did not handle some similar drink to it. I do not remember there were very many calls for Koke and Dope at first, it has only been within the last few years that the slang has crept around amongst
1150 the young people. The better class of people coming into the store do not call for Koke or Dope, they call for Coca-Cola if they want it. I gave them Coca-Cola when they called for a Dope or a Koke at that time. I changed it to Star-Cola because Star-Cola was considerably cheaper. Koke and Dope are cheaper than Coca-Cola.

SCHEDULE VI.

The product of the Koke Companies has been systematically and habitually sold to the public as and for Coca-Cola.

B. W. FULLER (Rec., 833), Dallas, Texas, in soda water business. Has been in Vienna Ice Cream Factory, Kirby Drug Company and the Palace Drug Store:

- 833 “You ask me if they complained when I served them ‘Coca-Cola’; yes, sir, they complained when I gave them ‘Koke.’ They complained—I say they meant ‘Coca-Cola.’ The Kirby Drug Company at one time dispensed ‘Koke’ over its counters. They carried it exclusively as long as they lasted,—the last month or so while I was there. You ask if they sold it as ‘Koke’ or as ‘Coca-Cola’; they
- 834 sold it as both. If a man came in and called for ‘Coca-Cola’ they served him ‘Koke’—they didn’t have anything else to serve him. Sometimes they told him what they were selling, told him it was ‘Koke,’ and sometimes they didn’t—supposed to tell it along towards the last, they were supposed to tell him it was ‘Koke.’ You say you are not trying to find out what they were supposed to do, but whether ‘Koke’ was sold by the Kirby Drug Company as ‘Koke’ or as ‘Coca-Cola’; as both—first it was sold as ‘Coca-Cola,’ as long as it lasted, and then they sold it as ‘Koke.’ It must have been about a month, I guess, that they sold it as ‘Coca-Cola.’ No, sir; they did not have any ‘Coca-Cola’ in stock when they were selling them ‘Koke’ for ‘Coca-Cola.’ One reason why I quit them was on that account, I had so much trouble about the ‘Coca-Cola’ customers. They kicked on it. The customer that came in there, one thing would bring on another, about what the drink was, that it wasn’t

right, that they wanted 'Coca-Cola' and couldn't get 'Coca-Cola' and got 'Koke'—they would be dissatisfied. You ask why, then, did I quit, and why I could not have told them when they were asking for 'Coca-Cola' that I was serving them 'Koke'; I did tell part of them and
835 they all quit. * * * Along towards the last I served it as 'Koke' to those people, but at first I served it as 'Coca-Cola.' "

D. P. ENGLISH (Rec., 802), drug business, Dallas, Texas:

802 "I was with the Palace Drug Company for several months. They handled 'Koke' and I think they handled it exclusively. I don't think they handled any 'Coca-Cola,' I never knew of them buying any while I was there. They got this product 'Koke' to which I refer, from the Koke Company in Dallas, Texas, in barrels, colored red. * * * When people come into the Palace Drug Store and called for 'Coca-Cola' they would serve them 'Koke.' I never heard them advise them that it was not 'Coca-Cola.' That practice continued in the Palace Drug Store for about three or four months, I think, in 1913, and ceased when Messrs. Florence & Nos-
803 sick got it. Before the latter gentlemen got hold of the business, Pyle was manager of it. I don't know who were its owners, it was a stock company. This new concern bought it out, I believe, about the 15th of July, 1913, and they immediately went to ordering 'Coca-Cola.' I left there on the first of December, so I don't know anything about their business since then. * * * Yes, sir; I mean to say that I served 'Koke' to those people for 'Coca-Cola.' You ask who told me to do that; it was put in the jar and labeled that and it was their method of doing business, it wasn't my business to get up and publish these things, I was paid to sell a man this stuff and I would just sell it. It was the business of the Palace

804 Drug Company, I was just working for them. You ask what I know of their methods; well, I know they had the jar labeled 'Coca-Cola'—I know they wouldn't expect me to get up and go ahead and explain that it wasn't 'Coca-Cola,' I noticed the fountain men didn't do it, if that had been their intention, or if they wanted it done they would have notified me. Yes, sir; I did see a jar labeled 'Coca-Cola.' I am sure they did have such a jar and I am sure it contained 'Koke.' * * * You ask if I reported to anybody that I was selling 'Koke' for 'Coca-Cola'; I discussed it with men there in the store, and they argued there was more profit in selling 'Koke' than there would be in selling 'Coca-Cola' and you would get just as many customers as you would by selling 'Coca-Cola.' You ask if it was not well known that our store was carrying 'Koke'; it was among the boys in the store."

The admissions of dealers handling the Koke Companies' product and called as witnesses by them shown in the following extracts from the record, clearly show the deliberate, systematic passing off of the Koke Companies' product for Coca-Cola:

C. P. EMBREY, retail drug business, at Chattanooga, Tenn., a witness for the Koke Companies, testified as follows:

1022 "I heard the term dope used. At that time there was no other drink on the market but Coca-Cola, and I understood that was what they wanted. That was what I un-
1023 derstood they meant by Dope. At the time I handled Afri-Cola and Coca-Cola alone and a man came in and called for a dope, I gave them Afri-Cola. Because of more profit. When I put in Ko-Nut I gave up Afri-Cola. Afri-Cola is not nationally advertised, I do not think. When a customer asked me for a dope I gave him the only thing we had, Ko-Nut. The drink was palatable

and pleasant to the taste and another reason was because I made a better profit. Now, when a person asks for dope, I give the one we make the best profit on, which is either Koke or Ko-Nut. * * * We serve Koke when dope is asked for. I have been handling Koke for about two years. Commenced using one urn for Coca-Cola and one for Ko-Nut or Koke since January, 1914, before that time I was serving both ways, in bottles. I had one bottle sitting on one side. I might have served Ko-Nut, Coca-Cola and Dope out of the same urn. * * * When a
1026 man came in and asked for a dope at that time I had those two dispensing bottles up there and Coca-Cola in the fountain, I gave him either one, Koke or Ko-Nut. I never gave him Coca-Cola because I thought it was more profitable. I quit selling Coca-Cola in response to calls for Dope when these other drinks came out which were cheaper. * * * When a person came in and asked for
1027 a Dope I gave him Coca-Cola, but since these cheaper products have come on the market we give the cheaper product. That is the instructions at our place to our men. * * * Until these cheaper products came on the market I understood Dope to mean Coca-Cola. The cheapness of the product was what changed me. * * * There is no question about the drinks being of the same color and taste, and I cannot tell the difference. * * * Prior
1035 to the time I had Ko-Nut and Afri-Cola, I had calls for Koke. I gave them Coca-Cola. That was what I understood they wanted at that time. Koke and Dope do not mean anything particular since the low-priced drinks have come on the market. I do not sell Coca-Cola now in response to either call, and if Coca-Cola was the same price as these others I would sell it in response to orders for Koke or Dope. * * * I changed the system
1037 to avoid the possibility of substituting. You see a boy would not be as discriminating as a man and it may be that they did substitute."

J. B. FREED, in confectionery business, under name of Freed & Haas, Nashville, Tennessee, called by the Koke Companies, testified as follows:

- 1174 "My instructions to all my fountain boys, whenever we get a new man, is to tell him when a man calls for Coca-Cola to give him Coca-Cola, and if he calls for Dope or Koke, to give him other things the profits are better on, to always give them what they call for. That is on account of the profit. I am working for Freed & Haas, not the Coca-Cola Company. I have had the Coca-Cola Company representatives come there and take out a drink and push a Coca-Cola back and say it was not their
1175 drink. I said whenever they wanted to get a soft drink or a substitute, to call for it. I did not give it to them. I have always gone to the fountain and told the boys to set up two drinks, put one Coca-Cola and one Dope, and push the Coca-Cola to me and the Dope to the gentleman, and I would give him a wink and say 'Drink this,' then say to him, 'Drink that,' and for him to tell me which it was, and he would push the koke* back and say the other is the Dope. And I would give him a sample of the syrup out of each barrel so as to show which is Coca-Cola and the other Dope."

JOHN R. PARBUE, Assistant Manager and head dispenser of the soda fountain, at Freed & Haas' place, Nashville, Tennessee, another of the Koke Companies' witnesses, testified:

- 1134 "Some customers called for Coca-Cola, some for Dope and some for Koke. We have had a few calls for a shot in the arm. When a customer asks for a Dope or a Koke I give him what he calls for. If he calls for

*Attention is called to the fact that this adverse witness unconsciously uses the word Koke meaning Coca-Cola, showing how firmly the nickname is established.

Koke I give him a Koke. If he calls for a Coca-Cola I give him Coca-Cola. Mayfield makes Koke. * * *

When a customer comes into our establishment and asks for a Koke or a Dope I do not know what he wants any more than I give him what he calls for; in other words, I give him the drink that costs the less money in response to Koke or Dope. I give him Mayfield's Koke or Dope, that costs less than Coca-Cola. * * *

1136 When customers ask for Koke I could not say and know that they want K-O-K-E but a fellow would be a damned fool not to give Koke that costs less than Coca-Cola. If you were working for me and give Coca-Cola syrup that costs me more money to a fellow who did not call for it, I would not fire you but I would pick you up and throw you over the counter. If he calls for coke or dope I am giving him the cheapest syrup I have on the fountain * * *

I fooled one of the Coca-Cola men and offered to bet him about it, but he would not bet. He took Mayfield's Koke and thought it was Coca-Cola. * * *

I gave orders for that to the three boys at the fountain. I says, 'If they want Koke or Dope give them Mayfield's stuff; if they want

1137 Coca-Cola, give them Coca-Cola.' Their instructions were to give them what they called for. When Koke, Dope, Shot in the Arm, and those terms are called for I serve the cheapest drink I have got. It applies to a cola drink. I do not know that they want Coca-Cola. I have never served Coca-Cola in response to calls for Koke,

1138 Dope or Shot in the Arm. I do not know whether the nicknames apply to Coca-Cola. They want a drink on that order, a cola drink. I don't know whether some of them mean Coca-Cola. I take it they want a cola drink, because those drinks are cheaper, that is the reason. I do not know whether they want a Coca-Cola or not. I feel justified in giving them what they want if they do not call for Coca-Cola. * * *

I first heard the ex-

1139 pressions Koke and Dope some ten or twelve years ago,
I think. * * * Have heard Dope and Koke in con-
nection with Coca-Cola at that time. * * * Don't know
1140 of any person calling for Koke or Dope at Fried &
Haas' that knew we handled it."

E. A. SHARP, a druggist, 521 Hagan street, Jacksonville,
testifying for the Koke Companies, said that he had
handled Dope for about three years and obtained it
from the Koke and Dope Company at New Orleans:

1253 "I gave anything we wanted to when they called it
'dope,' except Coca-Cola. We had a drink that did not
cost as much as Coca-Cola. These other drinks cost us
less than Coca-Cola and that is the reason for it, every-
1254 body does it. * * * If a man comes in and asks for
Koke or Dope, I do not know he wants Coca-Cola. If
they call for dope they get dope. Gay-Ola costs us less
than Coca-Cola, and it is sold for the same amount to
the consumer, there is more profit in it to us. It looks
1255 and tastes like Coca-Cola. * * * A lot of people think
there is not but one cola drink in the world and that is
Coca-Cola. When they called for Dope they got Dope
regardless of the cost, that did not make me give it to
them any quicker. We give them what they call for re-
gardless of cost. When they call for Dope and Koke we
give them Dope and Koke. We gave them various things
when they called for dope and koke at first because they
do not specify the different drinks, we were privileged
to use what we wanted and naturally we gave the cheaper
drink. * * * I do not say what people think because
I do not know. * * * Some people may term Dope
and Koke as Coca-Cola, but we never did term dope as
Coca-Cola, unless they specifically said after asking for
1256 Dope that they wanted Coca-Cola. We would rather
serve something else we made the most money on. I sup-

pose I could sell Coca-Cola as Dope too, if I wanted to; you can use it as you like. I said I can serve anything I like when they call for Dope, it is not Coca-Cola. I consider the cost when I am selling it. We consider Dope applies to any cola drink as long as it is a dope. I do not know whether they are all cheaper than Coca-Cola, all that I have handled are cheaper. You can serve anything you like for Dope and naturally a man would give the drink he made the most money on. There was no excuse to it; we gave them Dope or Kope either one if they did not ask for Coca-Cola; they did not ask for Brain-Ol or Gay-Ola we gave most any kind of dope. We are always looking for something to make more profit and that includes the whole business. When the public commenced using the terms Dope and Koke, we could sell dope and Koke and I was glad it was there; I am glad to make more profit, naturally. All these drinks are similar in color and taste to Coca-Cola and are cheaper
 1260 than Coca-Cola. * * * I do not know that I can say I never had served any other drink besides Coca-Cola when Coca-Cola was called for because you are liable to get them mixed up in a soda fountain. They are so much alike I think anybody is liable to get them mixed up."

R. A. THORN, a druggist of Meridian, Mississippi, testifying for the Koke Companies, said:

1423 "I have been dispensing Coca-Cola ever since it was brought into the state, I think, about 24 years ago. I am handling Coca-Cola now. When I was handling Coca-Cola and before I handled this Konut, Gay-Ola or Afri-Cola, when a man came into my place of business and asked for a Dope or a Koke we gave Coca-Cola. I thought he meant Coca-Cola, because that was the only thing that was handled at that time as Dope. It goes back twelve
 1424 or fifteen years ago. * * * When a man comes in

now and asks for a Dope or a Koke I give him out of the Dope or Koke container, the product of the Southern Koke Company, Limited, and every time a man comes in and asks for a Coca-Cola, I give it to him out of another container. * * * I told them when Dope was called for to serve the Dope syrup, and when Coca-Cola was called for to serve the Coca-Cola syrup. The Dope or Koke syrup is one syrup.”

II. F. CHRISTLER, a druggist of Jackson, Mississippi, called by the Koke Companies, testified as follows:

1435 “If he knew the man asking for Coca-Cola wanted Dope, that he had been trading at the store before and knew that he wanted Dope, he would draw them out of the same container. He will know from past experience that he wanted Dope, and we give Dope and he is satisfied. I do not think that is substitution. It may be legally substitution. The reason it is not substitution is that because before I have served them with Dope syrup and he has liked it and I do not think that is substitution and he apparently liked it and does not kick.”

DR. J. G. PYLE, owner of the Palace Drug Company of Dallas, testifying for the Koke Companies, is confused between Koke and Coca-Cola. He said:

1721 Q. 19. “Did a representative of the Coca-Cola Company ever call on you? A. Oh, yes; sure.

Q. 20. Who was that? A. Why, Mr. Boyd, I think represented them.

Q. 21. The Coca-Cola Company? A. The Coca-Cola Company, I thought you said the Koke Company.

Q. 22. Yes.

* * * * *

1723 There was about a week or two there I think, that I did

not have any Coca-Cola, after Mr. Harris rounded me up so, I never ordered any more then for awhile and I think I got out for a week or two, I don't remember the exact length of time, I know I was out a little while, and during that time I told the boys to tell them that we did not have any, that we were out. So far as I know they followed my instructions, but you cannot tell about a
1724 soda boy, they may do anything. * * * At that time I was in the soda business and the word, I just heard it in the store. I had talked about Koke, fellows drinking Koke, and so on, and being great Koke drinkers. I do
1725 not know what drinks were referred to in that connection. I never had handled anything called Koke at that time; they may have been talking about Coca-Cola, and may have been talking about Koke. It might be possible and very probable a lot of people may call for Coca-Cola when they call for Koke. Maybe some shorten the name into Koke. I instructed my boys when we handled both if they call for Koke to give Koke and if they call for Coca-Cola to give Coca-Cola. I never did hear anyone kicking about it. If they wanted Coca-Cola and drank Koke they did not object. I tell them to do that because I never could tell the difference. I only handle Coca-Cola at our store now. The boys know we handled Coca-Cola and give Coca-Cola. I guess we do not give Koke because we do not handle it. The customers have not
1726 kicked. * * * I do not know whether Coca-Cola was called Koke in 1903 or not. I never had heard it called Koke up to that time I was out there. I am satisfied of that, but the name is used more and more up till this day; it is used more now than before. A man calls for Koke and lots of times now I do not know whether he means Coca-Cola or Koke. Before the Koke Company of Texas started in Dallas, it is possible—I say it is not improbable, that they did call Coca-Cola Koke at that time; they may

have done so. Before I bought anything from the Koke Company, I think I heard Coca-Cola called Koke, I could not say, I could not call any certain time when it was
 1728 called Koke. * * * It would not be difficult for the soda man to know which he was serving. I cannot tell the difference either in taste or appearance of Koke and Coca-Cola. The man who came in and asked for a Koke was served with the product of the Koke Company of Texas. That is what I instructed my boys to do. Of course, I could not stand there and watch them and see what they were serving. I took it they did what I told them. If I thought they were not, I would not have kept them working. I always felt satisfied they were doing what I told them. They could have mistaken one for the other if they had been side by side and no labels on them. They could have gotten them mixed up, but we were very careful not to get one in the other; there was
 1727 no reason to do so. * * * Koke syrup costs us less than Coca-Cola.”

The admissions of the witness Pyle, who, by the way, owned stock in the Koke Company of Texas (Rec., 1728), confirm the testimony of the witnesses Fuller (Rec., 833) and English (Rec., 802), dispensers at the Palace Drug Company, Dallas, who testify that they passed off Koke in response to calls for Coca-Cola. (*Ante*, pp. 142, 143.)

C. J. THORNTON, a druggist of Hattiesburg, Mississippi, called by the Koke Companies, testified:

1772 “Customers using the term Dope or Koke, anybody knows they wanted a cola drink. Because I had good common sense, and a man with one-third or half sense would know that, when a man asks for a Dope if he has sense enough he knows he wants a cola drink. If they wanted a particular drink they would ask for it. Whenever a man come in and was particular enough to ask for a Coca-Cola, we were always particular enough to

give what he asked for. When a party comes in and asks for a Dope they want a cola drink; that is what I know. I know from being around the soda fountain, putting it out, and I know if they come in and ask for a Dope and I give them a lemon soda they would throw it in my face, the particular ones, and the ones that want
1773 Coca-Cola ask for it. How would I know that they wanted a Coca-Cola drink when they asked for a Dope? How do I know they want a Coca-Cola? When they ask for Coca-Cola I give them all credit for having sense enough to know what they want. I think when he asks for a Dope that he wants a cola drink; I never go into the details. There are a few people in town, regular customers, who walk in and say, 'I want a Coca-Cola.' You can pretty nearly always tell when they want a Coca-Cola. That is so. At one time the Coca-Cola people came in here with some pimps, and got around on the street kinder circulating around, you know, about poison, that some of the drug stores here were selling stuff that was poison for Coca-Cola, and they went so far as to advertise, the Coca-Cola Company has, on the different places, to ask for Coca-Cola by name, and that went along so when the street car boys I noticed would come in and ask for Coca-Cola. They would ask for Coca-Cola; they got it; people that had been asking for Dope got it; asked for Coca-Cola. They run it up here one week where we would use usually a gallon of Coca-Cola every other day, where we had been using a gallon a week sometimes. The Coca-Cola people advertise, ask for it in its own name. They do that they said to avoid substitutes. It went pretty hard and we had to pay a dollar and a half a gallon for that when they said ask for it by name to avoid substitution, for a man to ask for it. I do not remember they said not to use nick-names. I think they had one on at the picture show down

1774 there. Coca-Cola costs a dollar and a half; Koke a dollar a gallon. I handled them because it was better; is a better stuff and gives better satisfaction. There was more profit in it. We got the same price over the fountain. I handled the Dope because I like it better and because it gives better satisfaction than Coca-Cola at a less cost. I said I liked it better than Coca-Cola; it gives satisfaction. I base my better satisfaction when you take it up and drink the whole thing down and say, it is a good drink. I do not suppose any customers knew
 1776 what they were getting. * * * If you want to go to assumptions, I just assumed if they wanted Coca-Cola they would ask for it; if they called for Dope they wanted a cola drink."

A. S. GOODY, druggist of Lucedale, Mississippi, a Koke Companies' witness:

1786 "I dispense Dope and Coca-Cola. This Dope is bought from New Orleans, the product of the Southern Koke
 1790 Company, Limited. * * * I have been handling the product of the Southern Koke Company, Limited, about two years. I handled prior to that time Coca-Cola exclusively. I had calls at my fountain prior to the time that I handled the product of the Southern Koke Company for Dope or Koke. * * * I give Coca-Cola on calls for Dope and Koke. I did not understand it. * * *
 1791 I put in this product called Dope by the Southern Koke Company, Limited, about two years ago. I do not know the exact date. This product cost me one dollar twenty-five a gallon, with a twenty-five cents a gallon rebate if you pay within thirty days. Coca-Cola cost one dollar-fifty, a rebate of five per cent., I believe, if you buy one hundred gallons and more for larger quantities. * * *
 1792 My instructions in that connection is if a man comes in and calls for Dope, give Dope; and if he comes and calls

for Coca-Cola, give Coca-Cola. I do not know anything about what he wants. I give him what he asks for. I give him the one made by the Southern Koke Company, that is the cheaper product of the two. I make more profit on it; it costs us less money. It is not why I do it. I do it because it is what they ask for. I do not know what they want. I give them what they ask for. I do it. I just want to make it clear to you that I would do that if that were the higher priced product. I will say this, that I have some customers who tell me that they want Coca-Cola, and in fact I can name two, Mr. Boling and Mr. Johnson. They frequently call for a Dope and we always give them Coca-Cola. The dispensers know them and know what they want and always give Coca-Cola. When customers ask for Koke I give them Dope; sometimes I might get it mixed up and give Coca-Cola. Dope and Koke, the Southern Koke Company claim in their letters and advertising, they state that the two products are the same. One product with two names is the impression I have. I do not know about that. When a man comes in and asks for a Koke I give the product of the Southern Koke Company. I suppose when they ask for Dope I give Dope, and when they ask for Coca-Cola I give Coca-Cola, and when they ask a usual thing I think we give Dope. Prior to handling the product of the Southern Koke Company, about two years, with the
1793 exception of one barrel of Gay Ola eight years prior to that, people who asked for Dope and Koke at our fountain were served Coca-Cola. I do not know what the people want when they ask for Dope or Koke. I serve the product of the Southern Koke Company. That is cheaper than Coca-Cola."

E. J. WILLIAMS, a druggist of Hattiesburg, Mississippi, one of the Koke Companies witnesses, testified:

- 1811 "I dispense Koke and Dope which I get from the Southern Koke Company of New Orleans. I could not tell you when I first heard the expression Koke and Dope. I have been calling for it that way myself ever since I can re-
- 1812 member drinking Coca-Cola. I do not know what I wanted when I asked for Dope back there in those times. I just called for a Dope. Sometimes I reckon I wanted Coca-Cola; that is, a great many people, I reckon, when they wanted Coca-Cola would call it Dope, Dope or Koke. I do not know as that is true today. I do not know what a man wants when he asks for a Dope, whether Coca-Cola, or what when he calls for Dope or Koke. Today, if a man would ask for a Dope I would give him Dope or Koke. I do that because I have it in stock; I give him what he calls for. I have Coca-Cola in stock. I would
- 1813 not refuse to give him Coca-Cola, and we do do it, I have seen the boys do it, I have done it myself. As a rule, we give Koke or Dope. It is to my interest to do it, that is about all, and I try to give him what he calls for.
- 1814 * * * If he wants Coca-Cola and calls for Koke or Dope he won't get Coca-Cola, if that was what he wanted. That is my choice in the matter. I am at liberty to do it and that is the reason I do it because I want to, because I like to do it. It is fifty cents a gallon cheaper; I guess I look after the most in that line. I keep that out as Koke or Dope. They come in and call for Koke or Dope, why would I give Coca-Cola when Koke or Dope would do? I give him what he calls for. We have made that rule here, as well as we could to give exactly what he calls for."

W. A. HICKMAN, a Koke Companies' witness of Monticello, Mississippi, says:

1821 "I am in the drug business in which I dispense Coca-Cola, Dope and Koke. Koke is made in Atlanta, I guess. The Dope product we got from New Orleans, the Southern Koke Company. * * * I do not know whether
1823 people that ask for Dope or ask for Koke may want Coca-Cola. You take people where I am they do not know; you cannot find two out of ten there that know Coca-Cola from Dope; they are not used to them; I have tried the two drinks. A lot of people they could not tell the difference in Coca-Cola from Dope and Koke; there may be people that can. The two drinks look the same and taste the same; a customer receiving it would not know the difference. Prior to going into the drug business I was salesman in a drug store. I have heard the terms dope and koke used before I went into the drug
1825 it. * * * I never serve Dope or Koke when Coca-Cola is called for; if they ask for Dope I give Dope. For a Dope he gets Dope and if he asks for Coca-Cola he gets Coca-Cola. * * * I buy Koke and Dope from the
1826 Southern Koke Company; Koke or Dope is the same product; it costs a dollar and a quarter and I get a rebate. I get a rebate of 25 cents for paying in a certain length of time; if it is not paid then it is the full amount. We are rebated for the number of gallons we use during the year for Coca-Cola. I handle this product because it is cheaper than Coca-Cola; that is my reason for handling it, but if he asks for Coca-Cola he gets Coca-Cola every time. I make more money on it and get the same price for the product over the counter; it is as good a drink, and he cannot tell the difference from the Coca-Cola. I

will bet you I can go to the fountain and you cannot tell the difference. If he asked for Coca-Cola and I served him Dope, he would not know the difference. I guess that is very nearly true of every customer. * * * A few I do not tell and a few I do. I do not get outside and tell it you know. I handle these other products because they are cheaper.”

T. H. LEVER, drug business at Columbia formerly, now at Spartanburg, S. C., testified for the Koke Companies as follows:

1237 “I do not remember the name of the Sizemore product; I do not know that even if it had a name. If I was at the soda fountain and a man called for dope I would not necessarily think that he wanted Coca-Cola, and I gave the drink there was the bigger margin of profit in, a drink without a name. That was the only drink similar
1238 to Coca-Cola. * * * Prior to the time we handled this Sizemore’s drink, and a man asked for dope, I gave
1239 him Coca-Cola as a rule. * * * After I became acquainted with a good many people at the K-W-N and they called for dope, I served Coca-Cola because I had nothing else in the house. * * * I changed because the representative of the Koke and Dope Company
1240 showed me where it was a legal syrup, a legal proposition that I could handle it through legal channels. Naturally, it was one dollar a gallon, a little more of a bargain to the drug store, and I handled it for that reason, and the reason that they had the words ‘koke’ and ‘dope’ copyrighted. This representative of the Koke Company showed me a sample of the syrup. He did not tell me that when ‘Koke’ and ‘Dope’ were called for I had to sell their drink. He said, ‘Here is a syrup you can make a larger margin of profit on than any other drink you

handle, as for instance Coca-Cola.' * * * I have had
1241 people say they could tell the difference in Koke and
Dope and Coca-Cola, and I would just set them out and
say, 'Can you see the difference in these two drinks?
Taste them,' and as a general thing some say they can
and some say they cannot. * * * Up to June I had
never handled any drink that was similar in appearance
to Coca-Cola. I had two separate containers because
they were separate drinks. I used it (Dope) at the soda
fountain just the same as I used any other drink. I
bought it and was buying it under this name and I used
it under this name, sold it under the name."

In the following instances bottled Koke was passed off
without comment in response to requests for Coca-Cola:

Name of Witness	Date	Record Page	Place	Name	City	State
Clarence J. Hogan and		648	Cafe	Tranchina	New Orleans, La.	
B. J. Gillon		659	"	"	"	"
"		660	"	Bob Kitchens	"	"
"		660	Saloon	Wendt	"	"
"	4-24-13	660	"	"	"	"
"	4-27-13	660	Cafe	Tranchina	"	"
"	4-27-13	660	Saloon	Bob Kitchens	"	"
"	4-26-13	660	"	Shepherd	"	"
"	4-23-13	660	"	Wendt	"	"
Frank J. Bogner	5-7-13	651	"	Springer	"	"
"	5-3-13	651	"	Bauman	"	"
"	5-3-13	651	"	Gimilli	"	"
"	5-2-13	651	"	"	"	"
"	5-8-13	651	"	Bauman	"	"
"	5-7-13	651	"	Bauman	"	"
"		651	Cafe	Martin	"	"
"		651	"	"	"	"
"	4-30-13	651	"	Curbers	"	"
"	7-11-13	652	Saloon	Curran	"	"
"	5-8-13	652	"	Springer	"	"
"	5-6-13	652	"	"	"	"
"	5-6-13	652	Cafe	Martin	"	"
"	7-9-13	652	Saloon	Curran	"	"
"	5-1-13	652	"	Gimilli	"	"
"	5-1-13	652	"	J. W. Lotz	"	"
"	4-30-13	652	"	"	"	"
"	5-5-13	652	"	"	"	"
"	7-10-13	652	"	Curran	"	"
George H. Wilkins		867	Grocery	Clarke	"	"
"		867	Saloon	Comus	"	"
"		867	"	"	"	"
"		874	Grocery	Sanitary Co.	Ft. Worth, Texas	
"		874	Park	Trinity Park	"	"
"				(Frank Ford)		
"		874	"	Lake Erie Park	Handley	"
"				(Tom Bunch)		
"		876	"	"	"	"

These bottles are in evidence as Plaintiff's Exhibits 111-151.

SCHEDULE VII.

The Koke Companies started out deliberately to compete with the Coca-Cola Company and with Coca-Cola. Their organizer (W. McCarty Moore) knew that Koke and Dope were familiarly used nicknames for Coca-Cola and to the public meant Coca-Cola. The representatives of the Koke Companies traded on this fact and further imitated distinctive Coca-Cola barrels, deliberately matched the color of them as closely as possible, purchased old Coca-Cola barrels as containers for the Koke Companies' product, deliberately imitated the Coca-Cola label, taking a specimen of it to a label maker as a copy, and the officers of the Koke Companies have admitted that they knew Koke and Dope were nicknames for Coca-Cola, that they traded on this fact and that they did not advertise because the Coca-Cola Company was making the market for them.

W. McCARTY MOORE, of Dallas, Texas, an incorporator of Southern Koke Company, Ltd., and other Koke Companies, and once president of the Southern Koke Company, Ltd., and the Koke Company of Texas, testified:

- 1738 "I had understood that there was a chemist who had formerly been with the Coca-Cola Company, or rather had formerly been a partner in the Coca-Cola business, who had been trying to compete with the Coca-Cola Company for years under various and sundry cola beverage
 1741 names. I was president of the Koke Company of Texas.
 1751 * * * I had never been in the drug business or had any connection with the soft drink business of any sort prior to my connection with the Koke Company. I knew of the product Coca-Cola and had known it for quite a

long while. I knew it was well advertised and a popular drink, and I thought in getting into the Koke Company or going into the soft drink business was to compete with Coca-Cola. The Koke Company was known as a competitor of the Coca-Cola Company and Koke as a competitor of Coca-Cola. That was what I went into the business for.

- 1752 Q. Mr. Moore, had you ever heard anybody ask for Koke or use the word Koke at a soda fountain prior to that time? A. Yes, sir. If you want a specific case, I remember quite well at this same fountain of Smith Brothers at McKinney, where I bought a drink quite often, several times a day. I never did drink Coca-Cola and it was just due to the fact that I had a ticket possibly, I had one glass. I never could drink it because it unnerved me so; it was not a very palatable drink. I did not drink and I did not drink Koke very much. They were handling Coca-Cola and making Celery-Cola when any one called for that. At that fountain people asked for Koke. I could not say what was served to them in response to that request; it might have been Coca-Cola; I presume it was; it might have been some other cola beverage, I was not acquainted with the business and could not say. * * * I took those various labels to the printer and took the square label that Mr. Mayfield said he had been using at Shreveport. I took a Coca-Cola label, and I do not remember whether it was Dr. Pepper's label or Jersey Creme; I think it was one, possibly Dr. Pepper, or it might have been Pepsin. I think I had some three or four labels. I am right sure I had a Gay-Ola label, if I am not mistaken; that I won't be positive about, but I know two that I had positively, and that
- 1754 was the square label of Mr. Mayfield's; it had Koke on it in script, and the Coca-Cola label, and I think a Jersey Creme label. I discussed with him the advisability of a

square label or a diamond label. The printer followed the Coca-Cola label out more closely in the Koke label than he did follow the Mayfield label. If we had made an exact facsimile label at the time, using the word Koke on it, I for myself would not have felt I was doing it for the purpose of any infringement or deception. I here acknowledge and state I had no experience whatever. I was advised I had the right to use the name Koke. I presume the question was discussed at the interview we had with counsel, that Koke was used by the public as an abbreviation for Coca-Cola. I am pretty sure we discussed mighty near everything that was possible to discuss regarding it. I know I went very carefully into it and discussed every possible phase of it. We were advised we had no right to sell our product as and for Coca-Cola when Coca-Cola was asked for, of course, and vice versa that they had no right to sell Coca-Cola when Koke was called for. I was advised that Koke had been registered and that registration gave us the exclusive right. The Koke Company had the right to use it as applicable to the product it was marketing under that name.

1756 The registration gave that right. * * * I would just as soon put it out under some other name; I could have done better, I guess. Perhaps it would have avoided suits that we have had brought against us and possibly confusion which has existed between Koke and Coca-Cola.’’

JAMES L. WRIGHT, of New Orleans, once president and secretary of the Southern Koke Company, Ltd., testified as follows:

1510 “I was connected with the Southern Koke Company, Limited of New Orleans. Mr. Moore came to New Orleans in the latter part of 1911. Moore was formally installed as president, I as vice president, and Mr. Scott

as secretary-treasurer. I have a total of twenty-five hundred shares of stock in my name. I later became president of the Koke Company.

1514 * * * My understanding of the adoption of the word Koke was that there were frequent demands, or calls rather on the part of buyers of the various soft drinks for Koke and Dope, and similar terms, and that the word Koke was adopted to take advantage of that demand.

That was my understanding of the adoption of the word, I was told that the word Koke had been copyrighted by a manufacturer of a similar soft drink in Tennessee or Kentucky, up there somewhere, and this copyright on the name was purchased by Mr. Mayfield or his associates. I believe I am a defendant in this case.”

JOHN CAIN (Rec., 622), testified that he was salesman for the Southern Koke Company of New Orleans, about April, 1913, calling on barrooms, grocers and confectioners. He was instructed by Mr. Scott how to approach the trade:

623 “Mr. Scott instructed me to go out and sell the stuff—sell the ‘Koke’ on these instructions—I could go out and sell the ‘Koke’ the same as I could ‘Coca-Cola’; and he gave me the formula or affidavit, that the formula was the same as the ‘Coca-Cola,’ and tell them it was the same as ‘Coca-Cola,’ and for me to go out and sell it and tell the trade that they could sell the ‘Koke’ the same as if it were ‘Coca-Cola.’ He told me there was very little difference in the label—the only difference being that ‘Southern Koke Company’ was on one and the other had ‘Coca-Cola’ on it—the labels was the same—you couldn’t tell the difference except by close inspection. * * * I sold ‘Koke,’ I guess, about two months.

625 * * * I told them they could sell it and the trade

wouldn't know the difference whether it was 'Koke' or
627 'Coca-Cola. * * * To go back over the story: Yes,
sir; I told those men Mr. Scott employed me as a sales-
man and told me to go out and sell it to the trade as
'Coca-Cola.' Yes, sir; that it was like 'Coca-Cola' in
taste, that it was made by the same formula. Yes, sir;
that the label was the same, and that nobody could tell
628 the difference only by close inspection. * * * I told him
I was selling 'Koke,' that it was made out of the same
formula, but that it was to be sold for 'Coca-Cola' and
couldn't be told from it."

C. H. WHITTLE (Rec., 634), a former salesman of the
Southern Koke Company, Ltd., of New Orleans,
testified:

634 "I went out soliciting orders for Mr. Scott. I received
instructions from Mr. Scott as to how to solicit orders.
He came to me one day and asked would I go out and
635 help Mr. Cheevers in getting customers for his 'Koke,'
when they had the bottling department going, and I went
out with Mr. Cheevers and got from thirty to forty one
day, and the next day I got quite a number of customers
for him, I don't know exactly. Well, I used a great many
arguments to the trade in selling 'Koke'; one I used was
that the Coca-Cola people had put up money for prohibi-
tion—a million dollars, so I was told by Mr. Scott—and
several other things. He told me that the Koke people
was the originators of 'Coca-Cola,' and a man by the
name of Pemberton, he died and they beat his wife out
of it in the courts; that's what Mr. Scott told me. You
ask what arguments I used to the trade to sell it; well,
when I sold 'Koke' I told them it was 'Coca-Cola'—just
the same, not a bit different; they couldn't tell it by tak-
ing a bottle of each and drinking it. * * * I sold it as
'Coca-Cola,' not as 'Koke,' no sir,—not all the time, at

times when people asked me for 'Coca-Cola' I told them to take 'Koke'; if they asked me was it 'Coca-Cola,' I told them yes. * * * I was bartender in that saloon at that time. No, sir, I did not sell it to my customers as 'Coca-Cola.' I sold it as 'Koke' and as 'Coca-Cola,' and sold it when people came in and asked for 'Coca-Cola' I
 636 would give them 'Koke.' * * * When Scott sent me out he didn't exactly tell me to sell it as 'Coca-Cola,' but he told me to say anything so I sold it. As long as I sold it he didn't care. He put it in pretty near that exact language. He told me he didn't care how I sold it, so I sold it. You ask won't I swear one way or the other—did Mr. Scott tell me to sell that stuff as 'Coca-Cola'; he told me to sell it any way. I felt like selling it, as long as I sold it. You again ask me if Mr. Scott told me to sell that stuff as 'Coca-Cola'; he told me to sell it any way I could sell it—it didn't make no difference to him how I sold it, so I sold it. You ask me for the third time if Mr. Scott told me to sell that stuff as 'Coca-Cola'; he didn't make any exact assertion on it at times; at certain times he did. He told me plump and plain to say it was 'Coca-Cola' if I could sell it that way. Yes, as 'Koke' and as 'Coca-Cola,' if I could sell it that way. You again ask me if I am certain that Mr. Scott told me to sell 'Koke' to the dealers as 'Coca-Cola'; I answer, yes."

W. J. CHEEVERS (Rec., 588), connected with the Southern Koke Company, Ltd., of New Orleans, from October, 1912, until three weeks after the death of Mr. Scott, which was May 29, 1913:

588 "Mr. Scott was vice-president and general manager.
 589 I was a member of the board of directors. * * * You ask if I ever had any discussion with Mr. Scott in regard to 'Coca-Cola' and 'Koke'; well, we had innumerable discussions. I can't say just right off, any particular one,

but we had so many—for instance, there was one where I spoke to him about the unfairness of the business that he was going into and his wife tried to dissuade him from going into it. I asked him if he didn't think it was unfair to be trading on the advertisements and money spent by another concern, and he said he did; that he got into the thing over in Texas, wherever he had met those folks, the Koke Company of America—and they had taken him around, he had been at different soda fountains, and he found whenever a man wanted 'Coca-Cola' he would invariably ask for 'koke' and he saw the value of that as a chance to make money. When I first started out as a city salesman, Mr. Scott furnished me with an affidavit signed by Mrs. Pemberton—she was the widow,
590 I believe, of the original owner of 'Coca-Cola'—in which she stated that Mr. Mayfield was familiar with and knew the original formula of 'Coca-Cola' and was qualified, in her opinion, to manufacture it—something to that effect—if you have one here I will identify it. Mr. Scott told me the only difference between 'Coca-Cola' and 'Koke' is a slight percentage of celery, which was added to cover the patent or copyright laws. Yes, sir; I am familiar with the time that they first commenced bottling the product that they called 'Koke.' This bottle was not labeled. I told Mr. Scott that the bartenders generally,—the trade generally—they were complaining about the bottle not being labeled because there was not similarity between that and the Coca-Cola bottles; Mr. Scott said he would order labels and asked me if I would go with him to Houser's printing office—the legal printers. I went with him and we met Mr. Speyer there. Mr. Scott had the cuts, I suppose there were about a dozen, and he told him he wanted him to make him up 50,000 labels like that—said that he wanted them about the color of the 'Coca-Cola' label. A question arose about the color

of the background, whether it was purple or black. My idea was that the inset,—the ‘Coca-Cola’ inset,—was red, always, for some reason or other. I said that to Mr. Scott. He said, ‘Well, you get a bottle from the corner; buy a bottle of “Coca-Cola” and bring over here and we will see.’ So I brought it back and Mr. Speyer and Mr. Scott and all agreed that the color of the ‘Coca-Cola’
591 label was a dark purple or a dark blue—anyhow they agreed on the color, that was the color that he wanted, and he told him to make him up 50,000, I think, to simulate the ‘Coca-Cola’ color. Yes, sir; those labels were delivered. Plaintiff’s Exhibit No. 105 is the label referred to. * * * You ask if I was ever in there when they had any ‘Coca-Cola’; when they made up the first batch of ‘Koke.’ Young Mayfield had a bottle of ‘Coca-Cola’ syrup. The following day—I think it was the next day—Mr. Scott mixed some of this ‘Coca-Cola’ syrup—the ‘Koke’ wasn’t then ready, and we had it to drink; and I asked him the purpose of having the ‘Coca-Cola’ syrup and asked him why he had sent out and purchased ‘Coca-Cola’ syrup. Young Mr. Mayfield said it was for the purpose of testing, and I presumed that was to get the weight and the body and the color to make comparisons
602 between ‘Coca-Cola’ and ‘Koke.’ * * * Then came the discussion of making the label. I mentioned that the trade, the bartenders, complained that there was no label; that they wanted a label so it would look similar to ‘Coca-Cola’ packages; that was the object; that’s what they
604 were working for. * * * XQ. 218. The object of the testimony you are giving, as you understand it, is to show that in your presence Scott and Speyer—the printer of Houser—had in their hands a bottle of ‘Coca-Cola,’ with this label, and that they were trying to get, in type and in color and in shape, a label as near as possible to the ‘Coca-Cola’ label; is that what you are trying to tell us?

A. That's Mr. Scott's orders, to get it as near like the
605 'Coca-Cola' label as possible. * * * I told the bar-
tenders whom I saw anything to effect a sale. Mr. Scott
was frequently with me when I effected a sale. No, sir; I
did not tell them it was 'Coca-Cola.' My first argument
was to patronize home industry, that this was bottled
here. Sometimes they would say, 'Well, you know the
folks want what they call for; they want "Coca-Cola," and
we can't put that across.' I told them then that the label
was the same and that the product was the same; that
it was made by Mr. Mayfield and I showed them this affi-
davit of Mr. Pemberton that I had, showing that he could
make the same syrup the Coca-Cola Company makes. You
ask if I then suggested to the barkeepers that they could
607 sell it; that was up to themselves. * * * He (Scott)
told his wife what I told you a while ago about the soda
fountains and the continuous calls for 'Koke'—instead
of giving them 'Coca-Cola' they would give them 'Koke'
—and all the money that there was in it. * * * Yes,
614 sir, I thought it was honest to take this stuff to the bar-
keepers, and tell them what I have been telling you, name-
ly, that the stuff tasted like 'Coca-Cola,' was the same as
'Coca-Cola,' was as good as 'Coca-Cola'; that there was
no label on the bottle—I showed them that the label looked
like the 'Coca-Cola'—also the thing on top and also that
the bottle looked like 'Coca-Cola.' You ask if, having
shown them all those things and having lead the horse
up to the water, I didn't ask them to drink. Oh, you bet
your life they always drank and Mr. Scott was right there
615 when I advanced my argument. * * * Mr. Scott
wanted me to go on the road in the very beginning and
I absolutely refused, and the only way he ever got me to
go out and sell 'Koke' was by telling me of the ill treat-
ment,—he told me the way they worked on the conscience
of everybody they wanted to work—that Mayfield had

been robbed by the people who finally purchased the 'Coca-Cola,' and this was doing no wrong to people who had robbed somebody else."

WILLIAM J. SPEYER, superintendent and vice-president of the Houser Printing Company of New Orleans, testified:

639 "Yes, sir, I recollect an interview I had in 1913 with Mr. Scott and a Mr. Cheevers, representing the Southern Koke Company of New Orleans. Mr. Scott came in and asked about having some cuts made or having some labels made, and I didn't have the cuts present here, and, about two days afterwards, they brought the cuts in with Mr. Cheevers and they wanted the colors of ink, something similar to the colors used on 'Coca-Cola' bottles; well, I didn't know what that was, and Mr. Cheevers went out and brought a bottle for me to see the color of the ink. I used a color of ink as near as possible to that—a kind of blue black. Yes, sir; Mr. Cheevers went out and got a bottle from the saloon and brought it back."

M. D. PALMER (Rec., 577), a representative of the Sherwin-Williams Company, of New Orleans, in the paint and varnish business, testified:

577 "I went to the Southern Koke Company's place of business on Howard street near Carondelet and I saw Mr. Scott, who was manager then of the Southern Koke Company. I spoke to him in regard to buying paint and he referred me to the gentleman in the back, who had charge of the painting of the barrels. I went back to see if I could secure some business from him and sold him five gallons of paint. Plaintiff's Exhibit No. 104 is a paper which shows that he bought five gallons of red

¹The order for these labels and an impression of the cut were identified by this witness and are in evidence Exhibits 106-110.

paint. My company shipped this paint to the Southern Koke Company, which concern used one gallon of it and shipped the other four gallons back. I went around to see what the trouble was and it seems that the paint was
578 not the exact shade he wanted. He thought after it went on barrels it would come out a better shade than it did. He just wanted to know if he could get a red as near the 'Coca-Cola Red' as possible. About that time I went to see Mr. Freeman of the Louisiana Coca-Cola people and asked him in regard to the paint they were using and he advised me not to have any dealing with them whatsoever in regard to getting paint as near that shade as possible, that they had a patent on it and their paint was known as the 'Coca-Cola Red.' After that I had no further dealings with the Southern Koke Company."

A. B. FREEMAN (Rec., 641), of New Orleans, Secretary and Treasurer of The Louisiana Coca-Cola Bottling Company, testified:

641 "I had a conversation in regard to the paint used on 'Coca-Cola' barrels with Mr. Palmer. He came to my office—I had known him for sometime—and asked me if I could find out, or would find out, for him the exact kind of paint used by the Coca-Cola Company for painting its barrels. I told him I would gladly do so, and he volunteered the information that he wanted to get it for a new concern just starting up in town and putting out a syrup—the Koke Company—who wanted to paint their barrels identically the same color, and would use that paint if he could get it. I told him I would get the information for him, but that I was afraid he couldn't use
642 it, and I showed him one of the printed decisions in the 'Gay-Ola' case that I happened to have in my desk. He thanked me for the information and said he would go on away."

FRANK P. KILLILEA (Rec., 678), of New Orleans, in the cooperage business:

678 "In the course of my business I have had talks with the Southern Koke Company but have never sold them any barrels. It must have been about sixteen or eighteen months ago, now—people representing these people came out to our place to buy these 'Coca-Cola' barrels and said that they only wanted to buy 'Coca-Cola' barrels and said they didn't want to buy any other barrels except 'Coca-Cola' barrels, half barrels or kegs. I went and told Mr. Freeman about it. * * * They said they had to have fresh barrels, didn't need to scrap them or anything else of the kind. They wanted me to pick them up and bring them to them every day that I could get them. * * * After looking over the matter, I decided not to sell them.'"¹

WILLIAM G. MANSFIELD, of Chicago, testified (Rec., 859), that he recalled answering advertisement in The Chicago Tribune,² about April a year ago. He received an answer from Mr. E. M. Boyd and called on him at the Palmer House:

859 "Mr. Boyd¹ told me that he had a formula exactly the same as that of 'Coca-Cola.' He told me he was selling eight per cent. cumulative preferred stock at par and was giving a bonus of common stock to the druggists who
860 dealt in his 'Koke,' which was a product manufactured by the Western Koke Company, which concern Mr. Boyd was representing. I then told him I thought there would

¹See Exhibit 154, card of Koke Co. of Texas offering to buy old Coca-Cola barrels.

²The advertisement is in evidence as Exhibit 167.

³This is the same Boyd referred to in the testimony of the witness Thomas (*ante*, 134). These statements are not denied. The Koke Companies gave notice that they would take Boyd's testimony but did not do so.

be quite a good deal of competition on account of his formula being the same as 'Coca-Cola'; but he argued that there would not, as he would not have to do any advertising and when a person comes into the drug store and asked for 'Coca-Cola' the druggist will give him 'Koke,' the customer not knowing the difference. * * *

861 Yes, sir; it surely is a fact that Mr. Boyd told me that druggists and dealers could sell this when people asked for 'Koke,' that the name of this product was 'Koke' and that when people asked for 'Koke' they could sell it as such. He told me that when a person came in and asked for 'Koke' after they got used to the name, of course, they would use it and sell it as such, and, also, 'Coca-Cola' when a customer came in. Yes, sir; I am certain he said that they could sell it when people asked for 'Coca-Cola.'

862 * * * You ask how it happened that Mr. Boyd unfolded to me this fraudulent scheme—me, an utter stranger; he was almost sure I would invest money in it."

H. G. McLEAN, Dallas, Texas, advertising solicitor for the Dallas News (Rec., 729):

730 "I called on the Koke Company of Texas to solicit an advertisement. * * * I met Mr. Van Winkle and at that time it was my intention to solicit him for a card for the jobbers and manufacturers' trade and we discussed advertising for a few minutes and Mr. Van Winkle told me that the Koke Company of Texas was not doing any advertising. He said they couldn't afford to advertise from the fact that they were selling, I believe he said, 'Koke'—I don't know if he mentioned the brand or not, it seems to me like it was 'Koke,' it may have been some other name—but that it was the same formula as 'Coca-Cola' and said that the 'Coca-Cola' people were advertising and it was generally known as 'Koke'; that is a large percentage of people would call for 'coke,'

and if the fountains were supplied with 'Koke' they could furnish him with this product and sell it or distribute it in that way. I believe that was the main reason. I didn't have any argument to offset that, consequently I never called on him any more."

GEORGE H. WILKINS (Rec., 863):

- 866 "I asked Mr. Mayfield if they were doing any advertising, and he said, 'No, I have spent several fortunes in advertising and now I am going to retrench. I am not going to do any advertising for "Koke." "Coca-Cola" has spent millions in advertising and every dollar they spend helps "Koke." ' I asked him how that was, and he said that lots of people asked for 'coke' when they meant 'Coca-Cola' but they could not help that; that the 'Coca-Cola' also sold their product as 'Koke' but that he would stop that later and that his bottle and label was the same as 'Coca-Cola' and lots of people thought it was 'Coca-Cola.' * * * I got into conversation with Mr. Nason
- 871 and, among other things, asked him how he was selling 'Koke.' He said, 'Well, lots of people ask for "coke" when they mean "'Coca-Cola" and they do not know there is any such drink as "K-O-K-E." Of course, we can't stop that; if they want to do that we can't help it. We sell this product as "Koke," and, if they want to substitute it, that is their business.' I then asked him why there was such a demand for 'Koke.' He said, 'Well, lots of people ask for "Coca-Cola" as "coke" and "dope" and other names.' He said some other names, but I did not pay much attention. Mr. Nason was a salesman. * * *
- 880 I called on J. H. Van Deusen. I asked Mr. Van Deusen if it was not a fact that people asked for 'coke' when they wanted and meant 'Coca-Cola.' He said, yes, but then you couldn't help taking advantage of people when they didn't know any more than that."